

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

\*\*\*\*\*  
SHANTA LYNETTE BROWN, et al.,

Plaintiffs,

v.

Case No. 6:23cv00054

THE CITY OF LYNCHBURG, et al.,

Defendants.

\*\*\*\*\*

DEPOSITION OF ZACHARY MILLER

October 29, 2024

10:11 a.m. - 11:51 a.m.

Lynchburg, Virginia

REPORTED BY: Kimberly A. Henderson, RPR

1 Deposition of ZACHARY MILLER, taken and  
2 transcribed on behalf of the Defendants, pursuant  
3 to notice and/or agreement to take depositions; by  
4 and before Kimberly A. Henderson, a Registered  
5 Professional Reporter and Notary Public in and for  
6 the Commonwealth of Virginia at Large; commencing  
7 at 10:11 a.m., October 29, 2024, at the offices of  
8 the Lynchburg City Attorney, 900 Church Street,  
9 Lynchburg, Virginia.

10 APPEARANCES OF COUNSEL:  
11

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1 (10:11 a.m., October 29, 2024)

2

3

ZACHARY MILLER

4

was sworn and testified as follows:

5

E X A M I N A T I O N

6

BY MR. VALOIS:

7

Q. And you are now Deputy Miller; is  
8 that right?

9

A. Yes, sir.

10

Q. Work for Bedford County; is that  
11 right?

12

A. Yes, sir.

13

Q. And you're Zachary Miller, and you  
14 are the officer involved in the incident that gave  
15 rise to the complaint that was filed?

16

A. Yes, sir.

17

Q. Okay. One of the officers involved?

18

A. Yes.

19

Q. All right. And Deputy is your  
20 correct title?

21

A. Yeah. So you can call me Zach, or  
22 for here you can call me whatever you want to, but  
23 Deputy Miller, yes, sir.

24

Q. All right. Deputy, have you ever  
25 given a deposition before?

**EXHIBIT 1**

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1 A. I have, yes, sir.

2 Q. All right. How many times?

3 A. Just once.

4 Q. All right. Okay. Just some  
5 preliminary matters. You heard me say about break,  
6 if anybody needs a break, I certainly will ask for  
7 one if I need one, if anyone needs one, just let me  
8 know, and we'll take a break.

9 A. Yes, sir.

10 Q. We got plenty of time. I can't  
11 imagine this will take a whole lot of time.  
12 There's some video to go over. Depending upon the  
13 competence of my assistant that could be a short  
14 period of time or it could take a long time.

15 A. Yes, sir.

16 Q. But we'll just have to wait and see  
17 how that works out. So it's important -- we have a  
18 court reporter, and one of the first rules of  
19 lawyering is you never piss off a court reporter.  
20 Okay?

21 A. Yes, sir.

22 Q. And so the easiest way to do that is  
23 if we talk over each other --

24 A. Okay.

25 Q. -- which she'll tell you I'm guilty

**EXHIBIT 1**

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1 of, extensively. Okay.

2 A. Yes, sir.

3 Q. But I'll try not to. If I ask a  
4 question, please wait until I finish asking the  
5 question. And if you're giving a response, I'll  
6 wait until I -- I'm going to try and wait until  
7 you've finished answering. If you're not finished  
8 answering, just let me know, and I'll shut up and  
9 let you answer the question.

10 A. Yes, sir.

11 Q. You are testifying under penalty of  
12 perjury, just like in court.

13 A. Yes, sir.

14 Q. Will be sworn. And unlike in court,  
15 there won't be any judge here to address  
16 objections. So if you hear an objection, the  
17 general rule is you can answer unless  
18 Mr. Fitzgerald instructs you not to answer.

19 A. Okay. Yes, sir.

20 Q. All right?

21 A. Yes, sir.

22 Q. Do you have any questions before we  
23 get started?

24 A. I do not, sir.

25 Q. All right. So going back to

**EXHIBIT 1**

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1 the -- did we bring a copy of the complaint even?  
2 How about -- how about -- let me -- how about  
3 bringing the complaint up on the computer, and I'll  
4 just use it on the computer. I mean, I can bring  
5 it up on my phone. We're having a little  
6 technology issue. Give me just a second and bring  
7 it up on my phone real quick.

8 (Off-the-record discussion.)

9 BY MR. VALOIS:

10 Q. What have you done to prepare for the  
11 deposition today?

12 A. I've just seen some of the body cam  
13 and what I was sent over from my attorney's office  
14 about the case.

15 Q. Have you talked to anyone, who wasn't  
16 an attorney, about this case?

17 A. No, sir.

18 Q. Have you been told what to say?

19 A. No, sir.

20 Q. Have you been instructed on how to  
21 answer?

22 A. No, sir.

23 Q. In any regard?

24 A. No, sir.

25 Q. You're currently with Bedford County

**EXHIBIT 1**

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1 Sheriff's Department?

2 A. Yes, sir.

3 Q. When did you start there?

4 A. I'd say August, September of '22-ish.

5 Yeah, somewhere around there, around 2022.

6 Q. So you've been there now more than  
7 two years?

8 A. No. Then it would be 2023.

9 Q. Been there more than one year?

10 A. Yeah, about one and a half. I'm  
11 going on my second year.

12 Q. Where were you before then?

13 A. Lynchburg City Police Department.

14 Q. Did you ever work anywhere else?

15 A. No, sir. In law enforcement?

16 Q. Yes?

17 A. No, sir.

18 Q. Okay. And why did you leave  
19 Lynchburg?

20 A. So I live in Bedford County. Mainly  
21 the travel time, travel distance. My family's in  
22 Bedford County. That's the community I want to  
23 serve now.

24 Q. All right. And but you weren't  
25 asked -- you weren't terminated or asked to leave?



**EXHIBIT 1**

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1 A. No, sir.

2 Q. Have you ever been disciplined in  
3 your career?

4 A. Minus a few like informal -- like  
5 nothing formal, nothing formal, no, sir.

6 Q. The counseling?

7 A. Yeah, just like an informal  
8 counseling, yes, sir.

9 Q. Anything, any of that related to this  
10 incident?

11 A. No, sir.

12 Q. Have you ever been subject to use of  
13 force investigation?

14 A. Yes, sir.

15 Q. How many uses of force have you had?

16 A. I couldn't tell you off the top of my  
17 head.

18 Q. Well, when did you begin working for  
19 the Lynchburg Police Department?

20 A. 2019.

21 Q. And was that your first law  
22 enforcement job?

23 A. It was, yes, sir.

24 Q. Where did you come -- where did you  
25 come from before then? Had you worked before then?

1 A. Yes, sir.

2 Q. Where did you work?

3 A. For -- not a sheriff's office. I  
4 wasn't a police officer before then, so I worked at  
5 Commonwealth Building Materials.

6 Q. And what was your function there?

7 A. Inside sales/labor. I kind of did  
8 whatever they needed me to do.

9 Q. How long did you work there?

10 A. On and off twice since I graduated  
11 high school, so probably a total of six years,  
12 somewhere around there.

13 Q. Was that your job right out of high  
14 school?

15 A. Yes, sir.

16 Q. And where did you go to high school?

17 A. Staunton River High School.

18 Q. That's in Bedford County?

19 A. Yes, sir.

20 Q. That's on the Roanoke side of Bedford  
21 County; right?

22 A. Yes, sir. It's Moneta area.

23 Q. Is that where you're from?

24 A. Yes, sir.

25 Q. And what year did you graduate?

**EXHIBIT 1**

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1 A. 2013.

2 Q. All right. So what brought you into  
3 law enforcement?

4 A. To be honest, nothing. Somebody just  
5 said I would be good at the job, and I should  
6 apply, and so ended up filling out an application  
7 for Lynchburg and got hired. Didn't, didn't know,  
8 never been through the process, just wanted to see  
9 what the process was like, got hired, and then I  
10 fell in love with it.

11 Q. All right. And you went to the  
12 academy here in town?

13 A. Yes, sir.

14 Q. How long was your training there?

15 A. How long was my training there?

16 Q. Yeah?

17 A. I think it's six months, roughly six  
18 months, whatever their normal training is. I think  
19 it's like around six months, five-and-a-half  
20 months.

21 Q. And did you complete that training --

22 A. I did.

23 Q. -- satisfactorily?

24 A. I did, sir.

25 Q. And when did you -- when were you put

1 on the street in Lynchburg?

2 A. I would say June, July of 2019. I  
3 started the January academy of 2019.

4 Q. So summer of 2019?

5 A. Yes, sir.

6 Q. And you were a patrol officer?

7 A. Yes, sir.

8 Q. All right. And this incident  
9 happened in April of 2020?

10 A. Yes, sir.

11 Q. So you had less than a year of  
12 experience on the street when this incident took  
13 place?

14 A. Around that time, yes, sir.

15 Q. Had you received any promotions in  
16 Lynchburg? Were you ever promoted in Lynchburg?

17 A. Just from the -- no. I don't think I  
18 stayed long enough to get my POII; so, no, sir. I  
19 was just a regular, or from probationary status to  
20 normal police officer status.

21 Q. All right. Do you remember the  
22 incident we're talking about, on April 28th of  
23 2020?

24 A. I do, sir.

25 Q. All right. And you've watched the

1 body cam, you said you've reviewed the body cam?

2 A. Yes, sir.

3 Q. All right. Terron Pannell, a young  
4 man driving a -- do you know what kind of car it  
5 was?

6 A. It was a -- I want to say it was like  
7 an SUV of some sort. Yeah, I don't remember the  
8 exact make and model of the car, no, sir. I think  
9 it was like an SUV-type vehicle, though.

10 Q. It wasn't his?

11 A. Huh?

12 Q. It wasn't his; right?

13 A. I don't believe it was, no, sir.

14 Q. And you were -- pulled it  
15 over -- were you working radar, or what was your --

16 A. So at that point, I was just  
17 monitoring traffic, and I saw he did not have a  
18 front license plate displayed.

19 Q. Where were you set up monitoring  
20 traffic?

21 A. It was 12th Street and right at the,  
22 where the -- I don't know what the address is. The  
23 big warehouse, the Liberty warehouse. There's a  
24 big parking lot to the -- if you're looking at the  
25 warehouse from 12th Street, it's on the left.

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1 There's a big open parking lot there. I was  
2 sitting watching traffic there.

3 Q. Okay. And I believe that they call  
4 it the Consolidated Shoe building?

5 A. Could be, yeah. It was -- we used to  
6 always call it the Liberty warehouse.

7 Q. Yeah.

8 A. I don't -- I'm unsure what it's  
9 called now. It's right there on 12th Street on the  
10 left-hand side.

11 Q. All right. And so you followed that  
12 vehicle into the Kemper Lofts apartment complex?

13 A. Yes, sir.

14 Q. On Kemper Street?

15 A. Where it pulled over, yes, sir.

16 Q. In Lynchburg; right?

17 A. Yes, sir.

18 Q. And pretty much lit him up  
19 contemporaneously with him pulling into a parking  
20 spot; right?

21 A. Yes, sir.

22 Q. You got out, you ascertained he  
23 didn't have a license, and it wasn't his car?

24 A. Yes, sir.

25 Q. Right. After that you had

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1 communication with an Officer Grooms.

2 Do you recall that?

3 A. I do, yes, sir.

4 Q. All right. What was the purpose of  
5 that communication?

6 A. Which part? I mean, I asked her to  
7 try to gain consent to search the vehicle.

8 Q. For what purpose?

9 A. It was just a normal practice I did  
10 at that time. I was -- I asked pretty much  
11 everybody I came in contact with if I could search  
12 their vehicle, or my backup officer could.

13 Q. Is it a normal practice to bring  
14 somebody else in to ask for consent too?

15 A. At that point, she was my backup  
16 officer, so I was letting her handle the  
17 conversation with him while I was back at my car.

18 Q. But he had already refused you  
19 consent; right?

20 A. I don't recall if I asked consent. I  
21 don't remember asking for consent. Personally,  
22 myself, personally, I don't recall if I asked him  
23 for consent.

24 Q. All right. And then about two or  
25 three minutes later, Seth Reed showed up?

1 A. Yes, sir.

2 Q. With his dog Knox; right?

3 A. Yes, sir.

4 Q. And what was his purpose in showing  
5 up?

6 A. What was his purpose in showing up?  
7 I called him on the radio to ask him to come.

8 Q. Why would you do that?

9 A. At that point, consent had been  
10 denied, and so I called him on the radio to come  
11 for -- to utilize his K9.

12 Q. Did you have any evidence that there  
13 were any drugs?

14 A. At that time, no, sir. Minus -- no,  
15 sir, at that time, no.

16 Q. Had you written the summons out?

17 A. Before I called him?

18 Q. Uh-huh?

19 A. No, sir.

20 Q. But you started writing the summons  
21 out after he arrived; right?

22 A. It was before he arrived is when I  
23 started my summons.

24 Q. After you called him, but before he  
25 arrived?



1           A.    Yes.  I was writing the summons in  
2 between the time.

3           Q.    Right.  And you notified him that he  
4 had denied consent?

5           A.    Correct.

6           Q.    All right.  And so Reed got out of  
7 the car, Reed got out of his car, went to the door  
8 of the -- whatever it is, the SUV that Pannell was  
9 in?

10          A.    Yes, sir.

11          Q.    Pannell was in there by himself;  
12 right?

13          A.    Yes, sir.

14          Q.    Notified Pannell that he was going to  
15 do a dog search, asked Pannell to leave the  
16 vehicle?

17          A.    I don't know what he asked him up  
18 there.  I don't know.

19          Q.    You haven't seen the body cam?

20          A.    Seth Reed's body cam, I have not.  I  
21 did not watch Seth Reed's, and if it was attached  
22 to my files, I did not watch his body camera.

23          Q.    But it's your traffic stop?

24          A.    I was in my car at that time, sir.

25          Q.    Right.  But you're conducting the

1 stop?

2 A. Yes, sir.

3 Q. And you call for assistance?

4 A. Yes, sir.

5 Q. Why is -- why is Reed taking over  
6 then? What's he doing then? Why is he taking over  
7 the direction of what Pannell is doing and the  
8 control of the stop at that point?

9 MR. FITZGERALD: Object to form. You  
10 may answer.

11 THE WITNESS: Okay. I can't answer  
12 to what deputy -- or, sorry, Officer Reed was  
13 doing. What he said at the car, I can't say any of  
14 that. I was in my car conducting -- writing my  
15 summons.

16 BY MR. VALOIS:

17 Q. But you heard him direct Pannell to  
18 get out of the car multiple times; right?

19 A. No, sir. I was in my car. What led  
20 me -- no, sir. I couldn't hear their conversation  
21 up there.

22 Q. No?

23 A. No, sir.

24 Q. All right. So what did lead you to  
25 get out of your car?

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1           A.    At that point, I saw Officer Reed  
2 grab -- reach into the car, open the door, and grab  
3 him, and then it looked like there was a struggle,  
4 a brief struggle. Well, I don't know what was  
5 said, what was done. Opened the door, he grabbed  
6 him, and that's when I exited my car and went up  
7 there.

8           Q.    What did you do then?

9           A.    At that point, he was trying, Officer  
10 Reed was trying to remove Terron -- is that the  
11 correct way to say it -- Terron from the vehicle.

12          Q.    And that was successful?

13          A.    Yes, sir.

14          Q.    In about four seconds, he's out of  
15 the car?

16          A.    Yes, sir.

17          Q.    And he's over on the sidewalk in  
18 front of the -- right in front of the car, then,  
19 standing up in the sidewalk area at the front of  
20 that vehicle?

21          A.    We have to -- we had to --

22                   MR. FITZGERALD: Object to form. You  
23 can answer.

24                   THE WITNESS: Okay.

25 BY MR. VALOIS:

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1 Q. Where was he positioned when you got  
2 him out of the vehicle?

3 A. On the ground next to the vehicle.

4 Q. Then he was taken off the ground?

5 A. Yes, sir. We picked him up  
6 afterwards.

7 Q. And where did you put him?

8 A. We took him back to the back of, I  
9 think it was my police car, to the back to do a --

10 Q. Immediately?

11 A. Yeah. It was very quickly, yes, sir.

12 Q. There was not a period there where he  
13 was standing in front of the car?

14 A. I don't recall him standing -- in  
15 front of his car?

16 Q. In front of his car while both of you  
17 were standing there?

18 A. I don't -- no, I don't remember him  
19 ever standing in front of his car. I remember  
20 removing him from the car. We handcuffed him, and  
21 then he was picked up and taken to the back of my  
22 police car to do a search of his person.

23 Q. Okay. And was he under arrest at  
24 that time?

25 A. I don't know. At that time, I don't

1 know. He was definitely detained and going into  
2 the back of a police car at that point.

3 Q. Right. He was detained, but do you  
4 understand the difference between being detained  
5 and arrest?

6 A. Yes, sir, I do.

7 Q. Okay. You hadn't placed him under  
8 arrest?

9 A. At that point I don't believe I had  
10 said you're under arrest, no, sir.

11 Q. And he was being detained on what  
12 grounds?

13 A. You'll have to ask Officer Reed.  
14 Officer Reed was the one who initially grabbed onto  
15 him to detain him out of the vehicle.

16 Q. But you assisted in the detention?

17 A. Yes, sir.

18 Q. I mean, do you routinely assist in  
19 detentions without knowing the basis?

20 A. If I have an officer that's fighting,  
21 with a subject fighting him, yes, sir. I tend to  
22 help out at that point, and then we'll figure out  
23 what's happening afterwards, if there's an active  
24 disturbance going on between the two.

25 Q. Okay. So the presumption then is

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1 that if you see an officer engaged in physical  
2 force with a subject, your presumption is that that  
3 force is justified and that you need to assist; is  
4 that right?

5 A. There needs to be assistance to get  
6 the situation under control, whether that be  
7 getting somebody in handcuffs, and then we can talk  
8 about what's going on afterwards, yes, sir.

9 Q. All right. And so your point there  
10 was not to detain Terron Pannell, it was to  
11 assist --

12 A. Officer Reed.

13 Q. -- Officer Reed; right?

14 A. In detaining Pannell, yes, sir.

15 Q. Okay. And then, that accomplished,  
16 he was in handcuffs at the front of the vehicle;  
17 right?

18 A. At the, I want to say the back  
19 quarter panel. I don't ever remember him being in  
20 front of his vehicle. I don't ever -- I don't  
21 remember him being in front of his vehicle at all.

22 Q. Was he handcuffed when he was led to  
23 the back of the vehicle?

24 A. He was, yes, sir.

25 Q. So sometime between being taken out

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1 of the car and being taken to the back of the  
2 vehicle, he was handcuffed?

3 A. He was, yes, sir.

4 Q. Who handcuffed him?

5 A. I believe I did.

6 Q. Where did that occur?

7 A. In between -- next to his car, in  
8 between -- there were was a parking lot, parking  
9 spots, his car, another car. In the middle,  
10 between those two cars.

11 Q. Right in the front of that parking  
12 lot, near the sidewalk; right?

13 A. Yes, sir.

14 Q. Okay. So --

15 A. Yeah. I think they were in the  
16 first -- I didn't mean to interrupt you. I'm  
17 sorry.

18 Q. Well, he's not under arrest; he's  
19 being detained?

20 A. Yes, sir.

21 Q. He's handcuffed, and the purpose was  
22 ostensibly to run the dog around the car; right?

23 A. You will have to ask Officer Reed at  
24 that point. I don't know.

25 Q. Well, that's why you called him;

1 right?

2 A. Yes, yes. So he -- something --

3 Q. You -- that's the reason --

4 A. So if he refused to get out of the  
5 car, he has to get out of the car when asked by law  
6 enforcement --

7 Q. Right.

8 A. If he -- that's what I'm assuming  
9 Officer Reed was detaining him for.

10 Q. Well, I'm not -- again, I don't, I  
11 don't want to force you into speculation for my own  
12 good, but I also don't want you using it for your  
13 own good either.

14 A. Yeah.

15 Q. I don't want you to speculate as to  
16 what Officer Reed's mental state was any more than  
17 I want you to -- than I want to do it for you. I  
18 don't want to put words in your mouth.

19 A. Okay. Yes, sir.

20 Q. But I also don't want you putting  
21 words in his mouth.

22 A. Okay. Yes, sir.

23 Q. So the point is he's, Officer Reed's  
24 there to run the dog to do a drug sniff; right?

25 A. Correct.



1 Q. Now you got Pannell at the front of  
2 the car, handcuffed, hands behind his back?

3 A. Correct.

4 Q. You got a dog, you got a car.

5 Why isn't the dog running the car?

6 A. There was a -- it was an active -- so  
7 as soon as we got him back to my car, that's when  
8 he attempted to kick me in the groin.

9 Q. Well, I'm not talking about when he's  
10 back at your car. What I'm saying is you pull him  
11 out of the car. Reed goes up to the car, within a  
12 few seconds, you have him, both have him out of the  
13 car?

14 A. Correct.

15 Q. He's taken to the ground. He's  
16 picked back up between the two cars. This is  
17 that -- this is between the car he was driving and  
18 another car in the front of the parking lot?

19 A. Correct.

20 Q. You have him in handcuffs. There are  
21 two officers standing there. There's really three,  
22 because Grooms is on the other side. Right. Now  
23 you got three officers and a dog. The dog was  
24 brought to the scene for the purpose of running a  
25 free air sniff around this car. Right.

1 Why didn't that happen?

2 MR. FITZGERALD: Object to form. You  
3 may answer.

4 BY MR. VALOIS:

5 Q. You wanted the dog there?

6 A. Yeah.

7 Q. Why didn't you say okay -- so why  
8 didn't you say to Reed, hey, now you can run the  
9 dog, the guy's out of the car?

10 A. Yeah.

11 Q. You have the dog. I brought you here  
12 to run the dog. I asked for your assistance to run  
13 the dog.

14 Why didn't you ask him to run the  
15 dog?

16 MR. FITZGERALD: Object to form. You  
17 may answer.

18 THE WITNESS: Okay. So  
19 very -- let's -- I'm going to go from my point of  
20 view, not Officer Reed's. So very chaos situation.  
21 We have multiple people screaming and hollering at  
22 us. We have Terron, who is not being cooperative.  
23 He's jerking, pulling, trying to pull from me,  
24 trying to pull from us.

25 BY MR. VALOIS:

1 Q. Right.

2 A. At that point, on my end -- I can't  
3 say when Officer Reed can run a vehicle or not.  
4 That's up to him. But on my end, we needed to get  
5 him placed somewhere, which was in the back of a  
6 patrol car, to try to deescalate the situation.  
7 Because there was, we had -- I don't -- I didn't  
8 know there were -- at that time, people were  
9 screaming, yelling at us.

10 Q. Okay.

11 A. And he's also actively kicking,  
12 pulling from us --

13 Q. Right.

14 A. -- the whole time, trying to get him  
15 back to the vehicle as well.

16 Q. Okay.

17 A. So I wanted to put him in the back of  
18 the car.

19 Q. Okay. But now you've changed the  
20 purpose of taking him back to the car on me.  
21 Earlier you said he was brought there to search  
22 him. Okay. Earlier you testified that the purpose  
23 in bringing him to the back of the car was to  
24 search him.

25 Now you're saying that the purpose of

1 bringing him to the back of the car was to  
2 deescalate?

3 A. So we have to search --

4 MR. FITZGERALD: Object to form. You  
5 may answer.

6 THE WITNESS: So we have -- I have to  
7 search him before I place him in a patrol car, per  
8 LPD policy. So at that, when I answered that, that  
9 was still correct, because when we took him to the  
10 car to place him in a vehicle, he has to be  
11 searched before I put him in the back of that car.

12 BY MR. VALOIS:

13 Q. It's your -- so is it your  
14 understanding that anyone who is detained gets put  
15 in the back of a police car?

16 A. Not necessarily. They don't have to  
17 be placed in the back of a police car.

18 Q. Who makes that decision as to whether  
19 they get put into the police car?

20 A. I think the officers at the time,  
21 depending on what the situation calls for.

22 Q. All right.

23 A. And at that time, it was a very  
24 chaotic situation.

25 Q. All right. So let me follow you up

1 on the policy here.

2 Is it your understanding of your  
3 policy, your official policy at Lynchburg at the  
4 time, that if you as an officer detain somebody  
5 without probable cause, but with a reasonable  
6 suspicion that criminal activity may be afoot, that  
7 you get the right to search their person if you  
8 decide to put them in a police car?

9 A. Well, at that time, we had probable  
10 cause to arrest him for obstruction. There was  
11 probable cause there. I can't speak for Officer  
12 Reed; but.

13 Q. I just asked you if he was under  
14 arrest or whether he was being detained?

15 A. At that -- in my -- from my point of  
16 view, I did not place him under arrest at that  
17 point. That's what I can answer to. I did not  
18 place him under arrest. He was being detained. He  
19 was being placed in the back of a police car.

20 Q. And yet you're searching him?

21 A. To put him in the back of a police  
22 car, yes, sir.

23 Q. Okay. And so what I'm -- but my  
24 question is this is with regard to your  
25 understanding of official policy at the time?

1           A.    And I will -- I haven't been there  
2 for two years, so I don't know if things have  
3 changed. I don't know --

4           Q.    That's fair.

5           A.    I will just say that too.

6           Q.    We're only talking about on April  
7 28th of 2020. Okay.

8                       But your understanding of policy, as  
9 it existed then, is that if you had detained  
10 someone on what you believe to be a reasonable and  
11 articulable suspicion of some criminal activity,  
12 any criminal activity, right, and you have the  
13 discretion to decide whether or not they go in a  
14 police car, and you exercise that discretion to  
15 place them in a police car that that gives you the  
16 power to search them, their persons?

17           A.    Okay. If they, I'll say I'm under  
18 the understanding if they go -- if they're  
19 handcuffed and get placed into the back of a patrol  
20 car, they are to be searched when they go into that  
21 car.

22           Q.    Well, that's too broad an answer for  
23 me. I need to pin you down on this.

24           A.    Okay.

25           Q.    Okay. Because that encompasses areas

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1 where you have formal arrests, where you have  
2 outstanding warrants, where you have capiases.  
3 There are a million different situations that can  
4 result in a person being handcuffed.

5 I'm talking about the specific  
6 situation where you may have reasonable and  
7 articulable suspicion to believe that some criminal  
8 activity is afoot, and you're willing -- and you  
9 make the decision to detain that person. Right.  
10 And you -- and then you make the decision to place  
11 them into a police car. You've testified that you  
12 had that discretion.

13 Under those circumstances, did policy  
14 allow you to search their persons without a warrant  
15 or without consent?

16 MR. FITZGERALD: Object to form. You  
17 may answer.

18 THE WITNESS: I can't -- I can't  
19 answer. I don't -- I just know what I -- I'm  
20 trying to explain my understanding of the policy.  
21 I know if I handcuff somebody in the City of  
22 Lynchburg, and they go into the back of my patrol  
23 car, whether that be for detention, for arrest,  
24 reasonable suspicion, if they have to go into my  
25 patrol car, they are to be searched at that point.

1 BY MR. VALOIS:

2 Q. Okay.

3 A. And we did that, I did it with  
4 civilians that I just gave a ride to, that they  
5 were to be searched before they got in the back of  
6 my vehicle. That is my -- I'm trying to answer  
7 your question the best I can, Mr. Valois.

8 Q. That's fine.

9 Say a civilian needs a ride and you  
10 give them a ride, a courtesy ride, do you ask  
11 for -- do you notify them that they're going to be  
12 searched?

13 A. Yes. And I tell -- and if they are  
14 refusing, they do not get in my car.

15 Q. Right. But that is not afforded to  
16 someone in detention.

17 If they're being detained, they can't  
18 refuse; right?

19 A. Okay. I mean, if they're going in  
20 the back of my police car, they're getting  
21 searched. And that's what the scenario called for.  
22 We were trying to deescalate it at that point. It  
23 was a chaotic situation. We needed to separate  
24 people.

25 He was going in the back of my police



1 car, so he was going to be searched at that point.  
2 I'm trying to answer the best I can, Mr. Valois.  
3 That's just my understanding, and that's what I  
4 know of the policy.

5 Q. Well, what I'm really trying to get  
6 pinned down is if that comports, what you said,  
7 that that's your understanding of the policy, and  
8 it was going happen, is that how you were trained?

9 A. I was trained in a situation that is  
10 a very chaotic situation, there's -- that's a way  
11 to try to -- you know, you try to separate  
12 everybody apart from each other. So at that point,  
13 we were just trying to place him in the back of my  
14 car.

15 He was -- at that point I know he was  
16 detained. I don't know if -- I don't know if he  
17 was under arrest by Officer Reed. I can't  
18 speculate. He may, he may have been. I just know  
19 he was detained at that point for his actions, and  
20 then he was going to be placed in the back of my  
21 police car while we figured out what was going on.

22 Q. All right. And so in the -- you went  
23 to search him?

24 A. Yes, sir.

25 Q. All right. And did you notify him

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1 that he was being searched?

2 A. I believe so. On body camera I tell  
3 him, yes. I don't know if I tell him exactly he's  
4 going to be searched, but I place him up against  
5 the car. I don't know if I went through my spiel  
6 of checking for weapons. I don't remember if I  
7 heard that on body camera or not.

8 Q. All right. But --

9 A. Actually, I do, I do. I remember. I  
10 say, "You got anything that's going to stick, poke  
11 or cut me?" I do remember saying, asking him if he  
12 had anything on him that was going to stick, poke  
13 or cut me.

14 Q. Did you use those -- did you tell him  
15 that he was being searched?

16 A. I can't say if I verbatimally said  
17 you're being searched.

18 Q. And you didn't ask for consent for a  
19 search?

20 A. No, sir.

21 Q. And he specifically denied consent to  
22 a search?

23 A. Of his vehicle, yes, sir.

24 Q. Well, he never consented to any  
25 search of anything; right?

1 MR. FITZGERALD: Object to form. You  
2 may answer.

3 THE WITNESS: He was going in the  
4 back of my car. He was being placed in the back of  
5 my car. He was going to be searched whether he  
6 wanted to or not wanted to.

7 BY MR. VALOIS:

8 Q. But you -- I'm asking you about,  
9 specifically, about consent?

10 A. I never asked him, Mr. Pannell,  
11 can or -- can I or can't I search you?

12 Q. And he never expressed anything, any  
13 form of consent to any search?

14 A. Not that I remember, no, sir.

15 Q. Okay. How many officers were at the  
16 scene?

17 A. Depends. What part?

18 Q. Well, at this time, at this time,  
19 when he's going in the car?

20 A. I think still just three of us.

21 Q. All right. And everybody armed?

22 A. Armed?

23 Q. Yes?

24 A. Yes, sir.

25 Q. Everybody wearing uniform, badge of

1 authority?

2 A. Yes, sir.

3 Q. There's also a dog present, K9  
4 present?

5 A. I do not believe that dog was out at  
6 this time, though. I think it was inside the  
7 vehicle still, inside the handler's vehicle.

8 Q. But it was -- it was available for  
9 deployment if necessary; right?

10 A. Yeah. I mean, you'd have to -- I  
11 mean, it was there. I don't know what his thing  
12 is --

13 Q. And other units, other units are  
14 arriving? At some at some point, someone called  
15 for assistance?

16 A. Yeah. I think it was a -- I think it  
17 was a moment from where we got keyed up or where,  
18 when we were struggling with Pannell, and they  
19 heard the struggle, and that's when they toned us  
20 out.

21 Q. All right. And then, so you're up  
22 against the car, you got this kid.

23 How tall are you?

24 A. I'm about six-two.

25 Q. How much did you weigh then? Do you

1 know?

2 A. 280, 285.

3 Q. And Reed was there, how tall is Reed?

4 Do you have any idea?

5 A. I mean, probably six foot, maybe less  
6 than six foot, five-eleven.

7 Q. All right. This kid, Pannell, he's  
8 18; right?

9 A. Yeah. Possibly at that time, yes,  
10 sir.

11 Q. How tall is he?

12 A. I don't -- maybe five-nine,  
13 five-eight, five-nine, five-ten, somewhere around  
14 there.

15 Q. About what, 150, something like that?

16 A. Yeah, 150, yeah.

17 Q. Skinny?

18 A. Yeah, he wasn't a big guy. I would  
19 say he wasn't a big guy.

20 Q. So there's two of you, one on each  
21 side, going to search him, and somehow Pannell goes  
22 from being vertical at the side of your car to  
23 being facedown in the asphalt?

24 A. Yes, sir.

25 Q. In about less than ten seconds?

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1 A. Yes, sir.

2 Q. How did that happen?

3 A. At that point, he tried to kick us.  
4 He was trying to kick us with our feet, and then he  
5 actually like tried to walk himself up the vehicle.  
6 And then that's when we turned him and placed him  
7 on the ground.

8 Q. All right.

9 A. And he was trying to jerk from us,  
10 pull from us. I mean, he was trying to -- the  
11 whole kit and caboodle.

12 Q. All right. Now I'm going to circle  
13 back in time, because like you said, there's a lot  
14 of people out there, and there was confusing  
15 circumstances; right?

16 A. It was chaos.

17 Q. Yeah. Other people had arrived at  
18 the front of the building; is that correct?

19 A. Officer, who do you mean by other  
20 people, officers or like individuals?

21 Q. A bunch of residents from the  
22 apartment --

23 A. Yes, sir.

24 Q. -- were out there?

25 A. Yes, sir.

1 Q. There were people from the apartment  
2 next door hooting and hollering from the complex  
3 next door?

4 A. Yes, sir. It was chaos.

5 Q. There was -- and specifically Shanta  
6 Brown and Aquasha Sandidge came out from the front  
7 of the building?

8 A. Yes, sir.

9 Q. In the front area there; right?

10 A. Yes, sir.

11 Q. And so Shanta Brown is Terron  
12 Pannell's mother, were you made aware of that?

13 A. Yeah, I'm sure, yeah. The mother and  
14 I think was it a sister or an aunt or something.

15 Q. Shanta Brown is Aquasha Sandidge's  
16 mother, and Aquasha Sandidge is Terron's  
17 half-sister.

18 A. Okay.

19 Q. Were you aware of all that?

20 A. At that exact time?

21 Q. Probably not back then?

22 A. I don't remember at that exact time.  
23 I know they -- I know they're related. I couldn't  
24 remember which one was mom, which one was sister.  
25 I knew they were all related somehow.

1 Q. Okay. And you see it in the video  
2 that Shanta comes out, and she's basically  
3 squawking at you guys about what you're doing is  
4 illegal and not correct?

5 MR. FITZGERALD: Object to form. You  
6 may answer.

7 THE WITNESS: Yeah, she was  
8 screaming, yeah.

9 BY MR. VALOIS:

10 Q. Specifically that she did not  
11 perceive that what you were doing was legal?

12 A. At the time I don't know exactly what  
13 she was yelling. I can't say word for word what  
14 she was yelling, but she was yelling.

15 Q. Have you heard that on the body  
16 cam?

17 A. Okay. Yeah, yeah, on the body cam,  
18 yeah.

19 Q. Have you heard what she was yelling  
20 on the body cam?

21 A. I don't -- I don't recall. Even on  
22 my audio system, with my watching it, it ain't that  
23 great either, so I can't, I can't hear everything.

24 Q. But she never came to the door of the  
25 vehicle when Terron was in it?



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1           A.    She was over at the door where Terron  
2 was at at some point, because I asked him to step  
3 to the other side of the vehicle.

4           Q.    Well, you asked her, yeah, in fact,  
5 to step away --

6           A.    This is before they -- I'm sorry. I  
7 didn't mean to interrupt you. I'm sorry.

8           Q.    Well, let's start back at the  
9 beginning. Okay.

10                    So you pull up, you and Terron,  
11 you're dealing with Terron Pannell by yourself;  
12 right?

13           A.    Yes, sir.

14           Q.    Grooms is with you, I guess she auto  
15 responds at night; right?

16           A.    Yeah. You have two officers at  
17 night.

18           Q.    You had a two-on-one policy at night?

19           A.    Yes, at that time, yes, sir.

20           Q.    So she's there automatically whenever  
21 you're called there?

22           A.    Yes, sir.

23           Q.    And then so at first it's you, within  
24 a few minutes, seconds, it's her?

25           A.    Yeah. I'd say a couple minutes,

1 probably, yeah.

2 Q. Yeah, but so far it's just a traffic  
3 stop?

4 A. Yes, sir.

5 Q. So far there's nothing going on?

6 A. Yes, sir.

7 Q. Right. Then he denies consent, Reed  
8 comes. Right.

9 And at this time, we have people  
10 exiting the building, the apartment building,  
11 through the front door of the apartment building,  
12 standing in an area where if you're coming out of  
13 the building, there's a little rocky area to the  
14 left; is that right?

15 A. Yeah. I'm trying to --

16 MR. FITZGERALD: Object to form. You  
17 may answer.

18 THE WITNESS: Yes, sir.

19 BY MR. VALOIS:

20 Q. Right. And then on the right is  
21 the --

22 A. It's like bushes or something.

23 Q. But when you come out of the door of  
24 the apartment building, you would turn right to get  
25 to where you are?

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1 A. Yes.

2 Q. A couple cars over?

3 A. Yeah, it wasn't far. Like you just  
4 come out the door, and we were like right there at  
5 like the 1 or 2:00 out that door.

6 Q. So when she comes out the door, she's  
7 real close to where you are anyway, just by coming  
8 out the door?

9 A. Yes, sir.

10 Q. Right. So she came out, and she's  
11 running her mouth, she's (descriptive sound);  
12 right? But did she ever touch you?

13 MR. FITZGERALD: Object to form. You  
14 may answer.

15 THE WITNESS: No, sir.

16 BY MR. VALOIS:

17 Q. Okay.

18 A. And she wasn't -- she was out there,  
19 or she wasn't -- yeah, she never touched me.

20 Q. Right. And she didn't say anything  
21 when it was just you?

22 A. No, sir.

23 Q. It was only when Reed came; right?  
24 She was dealing -- Grooms was talking to her  
25 mostly; right?

1 A. Yeah. Because I had him --

2 Q. Right?

3 A. -- get over to that just so I could  
4 be away from the car. I asked him to get away from  
5 the driver's side of the car. Yes, sir. That's  
6 what I remember.

7 Q. Let me know if I'm wrong. I'm  
8 leading here a lot just to try to help get it  
9 right, but if I'm not right, tell me; all right?

10 A. Yeah.

11 Q. But Grooms was basically directing  
12 this lady; right?

13 A. From -- yeah, I was in my car, so  
14 yes. She was up there talking to them, yes.

15 Q. And Grooms, Officer Grooms, was  
16 pushing the lady, said, "Look, look, look," and  
17 pushed her over to that rocky area?

18 A. Yeah.

19 MR. FITZGERALD: Object to form. You  
20 may answer.

21 THE WITNESS: Yes. Trying  
22 to -- because I believe I instruct at one point,  
23 from my vehicle, if they could just please move  
24 over to the side for me.

25 BY MR. VALOIS:

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1 Q. All right. And so she did that, she  
2 did that until her kid got yanked and thrown down  
3 on the asphalt?

4 A. Yeah. I would -- I would -- yes,  
5 sir.

6 Q. All right. Now, you have kids?

7 A. I do, yes, sir.

8 Q. If one of your kids gets taken down  
9 on the asphalt, are you going to stand there, or  
10 are you going to go over to where your kid is?

11 MR. FITZGERALD: Object to form. You  
12 can answer.

13 BY MR. VALOIS:

14 Q. You can answer it.

15 A. Yeah, I mean, I'm going to be honest,  
16 I wasn't -- I was raised some type of way. So if  
17 my kid is getting thrown on the ground by a police  
18 officer, I'm going to say my kid probably did  
19 something to earn that, so --

20 Q. But what if you -- what if your kid  
21 is getting thrown down by somebody you don't trust?

22 A. I mean, then to -- you got to -- you  
23 don't -- you don't -- you still can't interject  
24 yourself in the situation. It ain't going  
25 to -- personally, me, personally, how I feel, I

1 would not interject myself into that situation.

2 I would try to keep my son calm and  
3 tell him, hey, just listen to what they're -- what  
4 they're trying to do. We'll figure this out at the  
5 end of it.

6 Q. Right.

7 A. Personally, that's what I would --

8 Q. Right. As long as you perceive  
9 justice is being done; right?

10 MR. FITZGERALD: Object to form. You  
11 can answer.

12 THE WITNESS: Yeah. As long as --  
13 BY MR. VALOIS:

14 Q. You perceive justice is being done?

15 A. That's -- yeah, whatever's,  
16 whatever's -- I don't know the situation with my  
17 kid, but if he's, you know --

18 Q. But you're -- as a law enforcement  
19 officer, you're in the business of interceding when  
20 you see people getting slammed around when  
21 injustice is being done; right?

22 A. Yes, sir.

23 Q. When laws are being violated?

24 A. Yes, sir.

25 Q. And if you saw somebody getting

1 thrown around when the law is being violated,  
2 thrown to the ground, would you hesitate, or would  
3 you tell them take their lumps?

4 MR. FITZGERALD: Object to form. You  
5 may answer.

6 THE WITNESS: So in this situation,  
7 he was refusing to get out of the vehicle, so we  
8 had to use -- I mean, at one point, I'm -- I'm  
9 holding onto an arm with everything I got to keep  
10 him from pulling back inside of that vehicle.

11 And so at that point, yes, we had to  
12 remove him from that vehicle. He was instructed to  
13 get out of the vehicle. He refused to get out of  
14 the vehicle. So at that point, we had to -- well,  
15 I see Officer Reed initiate trying to get him out  
16 of the car.

17 BY MR. VALOIS:

18 Q. You don't have to get him out of the  
19 vehicle?

20 A. I go out to do a -- from my  
21 understanding -- Officer Reed would have to testify  
22 to this. From my understanding of a K9, they do  
23 not do it with anybody in the vehicle, from my  
24 understanding. That's my understanding of their  
25 policy, how they work. You would have to ask

1 Officer Reed more on that.

2 Q. Okay. But you don't, you -- as a  
3 traffic stop, you don't have to bring the dog  
4 there, that was a discretionary act?

5 A. Yes, sir, it was.

6 Q. You don't have to ask Grooms to ask  
7 consent for a search when you don't have any belief  
8 that there are any drugs there? You're fishing at  
9 that point?

10 A. Yes, sir. I asked, yes, sir.

11 Q. Right. But you didn't have any  
12 reasonable, articulable suspicion to believe there  
13 are drugs there?

14 A. No, sir.

15 Q. Right. You didn't have any reason to  
16 bring a drug dog there. All this is done without  
17 any basis?

18 MR. FITZGERALD: Object to form.

19 BY MR. VALOIS:

20 Q. Wait a minute, but you've already  
21 testified to that; right?

22 A. I'm allowed to ask for those  
23 resources, yes, sir. I'm allowed to ask people  
24 for --

25 Q. Yeah, but you didn't have any basis



1 for it?

2 A. It doesn't matter. I'm allowed to,  
3 I'm still --

4 Q. Have you been trained that way?

5 A. I can ask for a K9 to come to a  
6 scene, then it's up to Officer Reed to decide if he  
7 wants to run his K9 on that car or not.

8 Q. Do you routinely do that?

9 A. Ask for an officer, a K9 officer?

10 Q. Yes?

11 A. In the City of Lynchburg, yes, sir, I  
12 did.

13 Q. Every time?

14 A. I wouldn't say every time, but a lot  
15 of times, yes, sir.

16 Q. How many times?

17 A. Couldn't tell you.

18 Q. So like if you're -- when you're  
19 driving on a Sunday past Thomas Road, and you pull  
20 some old lady over for speed coming home from  
21 church, do you ask for a drug dog then?

22 MR. FITZGERALD: Object to form. You  
23 may answer.

24 THE WITNESS: Depends, it just  
25 depends on what's going on.

1 BY MR. VALOIS:

2 Q. Depends on what?

3 A. It just depends.

4 Q. Does it depend on what color she is?

5 A. No, sir, it doesn't.

6 Q. No, it does not?

7 A. It doesn't have to do nothing with  
8 that.

9 Q. Depend on what gender she is?

10 A. So it's a lot of history when we run  
11 their names, run them through NCIC, VCIN, what kind  
12 of criminal history they've been involved in. If  
13 somebody's been in the drug game, if they've been  
14 arrested a bunch of times for possessions, for  
15 distributions, all that comes into play, yes, sir.

16 Q. This kid didn't have anything?

17 A. He had marijuana history, yes, sir,  
18 he did.

19 Q. He had a simple possession of  
20 marijuana?

21 A. That's, that's history, sir.

22 Q. Okay.

23 A. I'm not trying to be -- I'm not  
24 trying to be facetious --

25 MR. FITZGERALD: I just -- I just

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1 want to advise my client to just allow Mr. Valois  
2 to ask his question and then answer it.

3 THE WITNESS: Okay.

4 MR. FITZGERALD: Just for the  
5 reporter.

6 BY MR. VALOIS:

7 Q. He had a simple possession of weed as  
8 a juvenile; is that correct?

9 A. Yeah, yes, sir.

10 Q. All right. That's not the crime of  
11 the century; right? Is that enough, is that enough  
12 in your mind, to justify bringing the drug dog in,  
13 that somebody you pulled over had a possession of  
14 marijuana in their past?

15 A. Yes.

16 Q. It is?

17 A. Yeah.

18 Q. You do it every time?

19 A. Not -- it's legal now, so it's not  
20 illegal --

21 Q. No, but was it your practice? Was  
22 your practice every time you pulled somebody --

23 A. I can't say every time.

24 Q. Let me finish my question.

25 A. Sorry.

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1 Q. Was it your practice, when you were  
2 an officer for the City of Lynchburg, that when you  
3 pulled somebody over, you ran their VCIN, and if  
4 they had a possession of marijuana, you paused the  
5 stop and call for a drug dog? Was that your  
6 practice?

7 A. I would just say a lot of times, yes,  
8 sir.

9 Q. Well, I mean, how many? What  
10 percentage of times we talking?

11 A. I can't give you a percentage. I  
12 don't know a percentage.

13 Q. How did you make -- what criteria did  
14 you use when you exercising that discretion?

15 A. I just looked at their history, and  
16 if I thought I needed a K9, I would ask for a K9.

17 Q. When you look at the history, what  
18 would you look at in the history to determine  
19 whether they need a K9?

20 A. Any drug history.

21 Q. Any drug history at all?

22 A. Yes, sir, generally.

23 Q. So everybody you pulled over that had  
24 a drug history, you would call a K9?

25 A. I would --

1 MR. FITZGERALD: Object to form. You  
2 can answer.

3 BY MR. VALOIS:

4 Q. What?

5 A. I would ask -- I can't say every  
6 single time. I can't testify to every single time.  
7 A lot of times, yes.

8 Q. What percentage of the time?

9 A. I can't even give you a percentage,  
10 sir. A lot. I can just say a lot of the time,  
11 yes, I would. I would ask if one was available.

12 Q. And what drugs? Even if it's just  
13 weed?

14 A. At that time, yes, sir. It was  
15 illegal still at that time.

16 Q. And so it was your belief  
17 that -- essentially that a past record justified a  
18 detention?

19 MR. FITZGERALD: Object to form. You  
20 may answer.

21 THE WITNESS: That's not why he was  
22 detained, was his past record, no, sir.

23 BY MR. VALOIS:

24 Q. You recognize that a traffic stop is  
25 a detention as contemplated by the Fourth Amendment

1 to the United States Constitution?

2 A. I stopped him for no front license  
3 plate, sir. That's why he was detained in a  
4 traffic stop.

5 Q. Do you recognize that that  
6 traffic -- any traffic stop, any traffic stop, is a  
7 detention?

8 A. Yes, sir.

9 Q. As contemplated by the Fourth  
10 Amendment to the United States Constitution?

11 A. Yes, sir.

12 Q. Do you recognize that in order to  
13 extend a traffic stop beyond the purpose of the  
14 stop, in this case a tag violation, you have to  
15 have a reasonable and articulable suspicion to  
16 believe that criminal activity is afoot?

17 A. Yes, sir. Yes, sir.

18 Q. All right. In this case, in order to  
19 bring a drug dog in, in order to delay a stop,  
20 right, you have to have a reasonable and  
21 articulable suspicion in order to bring the drug  
22 dog in; right?

23 A. Yes, sir.

24 Q. Do you understand that?

25 A. Yes, sir.

1 Q. What was your reasonable and  
2 articulable suspicion to bring the drug dog in in  
3 this case?

4 A. I don't -- I don't feel I delayed the  
5 stop.

6 Q. Okay. You called -- you talked to  
7 Grooms to ask for consent before you started  
8 writing the summons?

9 A. Yes, sir.

10 Q. You called Reed in to ask him to come  
11 in and had a conversation with him; right?

12 A. Yes, sir.

13 Q. Before you started writing the  
14 summons?

15 A. Yes, sir.

16 Q. Then you waited another minute before  
17 you got the clipboard out and started writing the  
18 summons?

19 A. Yes, sir.

20 Q. That's a delay.

21 A. The car is messy --

22 Q. Right. The stop with -- the writing  
23 of the summons was delayed, there was a delay  
24 there.

25 What was the -- why was it delayed

1 that long?

2 A. In my opinions, I was not delaying  
3 the traffic stop. That's, in my belief I was not  
4 delaying. I got on the radio, said, "Hey, Reed,  
5 can you come here?" And as I asked Tereika, I  
6 believe it was in passing as I was walking back to  
7 my car. So I'm not -- I don't -- in my belief, I  
8 did not delay the traffic stop. So that's my  
9 answer to that.

10 Q. If you're going to bring the drug dog  
11 in anyway, why bother with asking for consent?  
12 When he denied -- why would you bother asking  
13 Grooms for consent, which is denied, if you intend  
14 to bring the drug dog in if he refuses?

15 MR. FITZGERALD: Object to form. You  
16 may answer.

17 BY MR. VALOIS:

18 Q. Why not just bring the drug dog in?

19 A. It was my practice, at least, I  
20 always ask for consent to search. We always ask  
21 for consent to search. I can't say we. I always  
22 tried to get consent to search the vehicle before a  
23 K9 was deployed on that vehicle.

24 Q. Why?

25 A. Just -- I can't -- I don't know if I



1 know an exact why. Just so they can -- if they  
2 allowed me to search it, that's -- then they did, I  
3 didn't need a K9 at that point. If they say no,  
4 then I would need a K9 at that point to search that  
5 vehicle.

6 Q. But you had already asked for the  
7 drug dog before you found out that he denied  
8 consent?

9 A. From my personal beliefs, I believe I  
10 had already learned he did not give consent, and  
11 then I asked Reed to come, on the radio.

12 Q. Are you sure about that? Are you  
13 willing to testify under oath right now that you're  
14 sure?

15 A. As I remember, that -- that's -- as I  
16 remember, that's what I remember from it.

17 Q. All right.

18 A. And I believe it was very quickly  
19 both things happening. So as I remember, that's  
20 how it happened.

21 Q. All right. So in any event, so you  
22 have this Pannell kid up against the car, your  
23 patrol car?

24 A. Yes, sir.

25 Q. Right. Within a few seconds, he's

1 facedown in the ground?

2 A. Yes, sir.

3 Q. All right. Reed has got his knee on  
4 his back.

5 You see that in the video; right?

6 A. Yes, sir.

7 Q. All right. You're dealing with his  
8 arms up front, and then Mama comes running up  
9 between two cars towards you?

10 A. Yes, sir.

11 Q. She's got Grooms at her side; right?

12 A. At that time, I could not see  
13 what -- what was happening.

14 Q. But Mama never hit you?

15 A. I do remember feeling -- I got -- I  
16 had to hand-check her back off of me. So at that  
17 point, it was from behind me. I remember, from  
18 what I recall, I was pushed, and I had to do a  
19 hand-check to get her off of me.

20 Q. But you testified at trial that you  
21 couldn't say it was her?

22 A. It was whoever I hand-checked.  
23 That's what --

24 Q. It could have been -- Grooms was  
25 there too; right?

1           A.    Yes, sir, she was.  Or I don't know  
2 where she was in -- at the time I don't know where  
3 she was in relation.  It was from behind, so it was  
4 hard for me to see anything at that point.  I  
5 couldn't see nothing that was going on behind me.

6           Q.    But you testified at trial,  
7 when -- you recall testifying at our jury trial?

8           A.    Yes, sir.

9           Q.    Right.  Because Shanta was actually  
10 charged with assaulting both you and Seth Reed?

11          A.    Yes, sir.

12          Q.    All right.  And I asked you, "Can you  
13 say that this woman ever touched you?"  And you  
14 said you can't?

15          A.    Because it was from behind me, yes,  
16 sir.

17          Q.    Right.  And because Grooms was right  
18 there too.

19                   But in any event, it wasn't like a  
20 punch or anything; right?

21          A.    No, sir, I wasn't punched.

22          Q.    You can't tell what part of the body  
23 contacted what; right?

24          A.    No, sir.  Because my back was turned,  
25 yes, sir.

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1 Q. You can't even tell if it was  
2 intentional or accidental?

3 A. I mean, speculation, if you're on the  
4 ground, and I run up to you and hit you, that's  
5 probably intentional.

6 Q. Was it a hit with a hand?

7 A. No, sir. If I brush into you, that  
8 would be intentional. You with your back turned to  
9 me and I brush up against you, my assumption,  
10 that's intentional.

11 Q. Well, if it was Grooms that did it,  
12 are you saying Grooms intentionally did it?

13 MR. FITZGERALD: Object to form. You  
14 may answer.

15 BY MR. VALOIS:

16 Q. It could have been Grooms that did  
17 it; you think Grooms would intentionally kick you  
18 or assault you while you're trying to do your job?

19 MR. FITZGERALD: Object to form. You  
20 may answer.

21 THE WITNESS: No, sir.

22 BY MR. VALOIS:

23 Q. I mean, it could have just been  
24 incidental contact or an accident; right? I mean,  
25 you don't know because you can't see it?

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1 A. Yes, sir. My back was turned.

2 Q. Right. All right. So at this point,  
3 Grooms is successful. She gets Shanta, drags  
4 Shanta back to the rocks again; right? And  
5 Aquasha's over there; right? Right?

6 A. Yeah. I'm just trying to picture  
7 where they were, yes, sir.

8 Q. Over by the door?

9 A. Yes, sir.

10 Q. Right. All right. So now Terron is  
11 getting up, and Robbin Miller shows up, Rob Miller.  
12 His first name is Robbin. They call him Rob.

13 You know Rob Miller; right?

14 A. Yes, sir.

15 Q. He shows up, he's not wearing a  
16 uniform; right?

17 A. So when he first showed -- he was  
18 not. I never knew he was there until I saw him  
19 getting thrown in -- or falling into the grass with  
20 somebody.

21 Q. All right. Well, let's -- let's back  
22 up.

23 This situation got more and more  
24 involved with the public?

25 MR. FITZGERALD: Objection.

1 BY MR. VALOIS:

2 Q. More and more people were pouring out  
3 all the time.

4 Is that a fair characterization?

5 MR. FITZGERALD: Object to form. You  
6 can answer.

7 THE WITNESS: Yeah, there was a lot  
8 of people there.

9 BY MR. VALOIS:

10 Q. And more coming?

11 A. Yeah.

12 Q. Right. And a lot of the people there  
13 were yelling and screaming and angry; right?

14 A. It was chaos, yes, sir.

15 Q. Right. And so a call went out over  
16 the radio for assistance; right?

17 A. Yeah. And I just can't remember when  
18 that call came out. I can't remember if it was  
19 when we -- the first struggle or afterwards. I  
20 can't remember when that call came out.

21 Q. Well, within short order, a whole  
22 bunch of police officers began responding?

23 A. Yes, sir.

24 Q. Right?

25 A. There was a lot of people there at

1 one point.

2 Q. A lot of people got there; right?  
3 And this incident went from being a simple tag stop  
4 to being a full on near riot. It could have  
5 evolved into a riot, had the potential, wouldn't  
6 you agree?

7 A. Yeah, it was just a lot of people  
8 there.

9 MR. FITZGERALD: Object to form. You  
10 can answer, though.

11 THE WITNESS: Yeah, I mean, I  
12 don't -- I can't tell you when it's going to turn  
13 into a riot or not.

14 BY MR. VALOIS:

15 Q. No, but I mean ---

16 A. There was a lot of people there.

17 Q. It was enough of a concern to bring  
18 how many officers there? Would it be fair to say a  
19 dozen, at least?

20 A. Eight to twelve.

21 Q. Yeah, a bunch; right?

22 A. Yes, sir.

23 Q. And so you never saw what happened.  
24 Aquasha Sandidge was charged with assaulting Rob  
25 Miller.

1                   That was her only charge; is that  
2 correct?

3                   A.    I believe so.

4                   MR. FITZGERALD: Object to form. You  
5 can answer.

6                   THE WITNESS: Yeah, I believe so.

7 BY MR. VALOIS:

8                   Q.    But you didn't take out that charge?

9                   A.    I -- no, I don't believe I did that.

10                  Q.    And you didn't provide any evidence  
11 that -- you didn't -- you did not testify that you  
12 saw what happened with Rob Miller?

13                  A.    No, sir. I just saw everybody going  
14 to the bushes.

15                  Q.    Right. And you went to the  
16 magistrate's office; right? And you testified  
17 that -- what had happened with you; right?

18                  A.    Yes, sir.

19                  Q.    And you said that both of -- both of  
20 them had contacted -- you testified that you were  
21 assaulted by Aquasha too, didn't you?

22                  A.    I don't recall. I don't think I ever  
23 got a charge on Aquasha. I might be getting them  
24 confused. Whichever, the one I hand-checked was  
25 the one I got a charge on. And I get their, I get



1     them -- I think that was Shanta, the mom.

2             Q.     Right.

3             A.     I don't recall, I don't remember  
4     getting a charge on Aquasha.

5             Q.     Well, you say the one that you  
6     hand-checked being mom. But I need to be clear  
7     here in your testimony.

8                     You understand it's important; right?

9             A.     Yes, sir.

10            Q.     You understand people's lives are on  
11     the line based upon the truthfulness of what  
12     happens in proceedings like this; right?

13            A.     Yes, sir.

14            Q.     All right. And you said that the one  
15     you put a hand-check on, but you can't say whether  
16     that was Grooms or whether it was Shanta?

17            A.     No, I did not hand-check Officer  
18     Grooms. I hand-checked -- I mean, I haven't seen  
19     these people in four years, five years. So if I  
20     could see a -- I hand-checked the mom. The one I  
21     got a charge on was who I hand-checked backwards,  
22     and that's on my body camera, which is, I believe,  
23     at the end of the day is Shanta Brown.

24            Q.     Okay. So you pushed on Shanta  
25     Brown?

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1 A. Correct. I pushed Shanta Brown away  
2 from me.

3 Q. All right. And then she -- but you  
4 didn't take out any charge on Aquasha?

5 A. I don't -- I don't think I did.

6 Q. All right. Now, after all this  
7 happened, everybody gets arrested?

8 A. Yes, sir.

9 Q. Right. Shanta gets arrested, Aquasha  
10 gets arrested, Terron. Everybody gets arrested.  
11 They get put in cars. Everybody's off to the  
12 magistrate to take out the warrants and stuff.  
13 Right. A supervisor shows up.

14 Is that standard practice?

15 A. Yeah, yeah. I mean, for a situation  
16 like that, yeah, a supervisor is going to be there.

17 Q. Especially in this case, he's -- he's  
18 upset because half of his department has been  
19 called out for this thing probably; right?

20 MR. FITZGERALD: Object to form. You  
21 may answer.

22 THE WITNESS: He was showing up to  
23 see what we needed. I don't think he was upset  
24 with us. He was just seeing what we needed, what  
25 was going on, what was --

1 BY MR. VALOIS:

2 Q. Let me say -- I won't say upset,  
3 concerned, I would say?

4 A. He was just wanting to know -- I  
5 mean, they're going to want to show up and want to  
6 know what's going on.

7 Q. Right.

8 A. Yeah. I wouldn't say --

9 Q. I mean, that's a substantial portion  
10 of the city's police force that's involved in this  
11 one incident?

12 A. Yes, sir.

13 Q. Right. And so he shows up, and did  
14 you talk to him?

15 A. I do believe so, yes, sir.

16 Q. And what did you tell him?

17 A. At that point, I can't remember word  
18 for word at that point. I know at one point he  
19 asked me what had happened. And then I believe I  
20 kind of go through a brief spiel about what led up  
21 to everything happening. And then I can't testify  
22 word for word what I spoke to him about.

23 Q. All right. And but you were involved  
24 in the tussle with Aquasha; correct?

25 A. I wouldn't say -- yes, I helped

1 handcuff her, yes.

2 Q. Yeah. And she -- Rob Miller had  
3 started it; right? He's the one that first put  
4 hands on her; right?

5 A. In that, all I saw was it was -- like  
6 I said, we were all up against that door, and next  
7 thing you know, I saw Aquasha and Rob Miller  
8 go -- I see Rob's feet go up in the air, and I see  
9 them both hit the bushes. That's what I saw, so at  
10 that point, I left my spot to assist just  
11 handcuffing her. That's what I did, and then I  
12 believe I go back to Shanta.

13 Q. All right. And then Rob's wearing  
14 like a flannel shirt or something?

15 A. Yeah.

16 Q. And a vest?

17 A. Yeah, I can't remember what color it  
18 was.

19 Q. Yeah. And so Aquasha is recording  
20 this thing on her phone.

21 Do you remember that?

22 A. So I don't know if it was a recording  
23 or a phone call. To my recollection, she was on  
24 the phone. That's what I remember. She was on a  
25 phone call.

1 Q. Well, you actually reached out and  
2 turned her phone off at some point?

3 A. Yeah. After she was handcuffed,  
4 I -- yeah, I think I -- from what I remember, I hit  
5 the hang-up button on the phone call, on the phone.

6 Q. Why would you do that?

7 A. Just -- I mean, at that time, I don't  
8 know who -- I mean, she could have been calling  
9 telling people to -- I mean, that's why we control  
10 phones when we're -- when people are arrested,  
11 because they can call, have people show up, do  
12 anything like that.

13 So at that point, I just seen the  
14 phone there. Honestly, I didn't want it to get  
15 broken either. I hang it up. I think I treat it  
16 with respect after that, and then we go on about  
17 our way, about our --

18 Q. Did you pick up the phone?

19 A. I don't recall if I picked it -- I  
20 think I did pick it up. I think I did. I can't  
21 recall 100 percent if I picked it up, but I do  
22 think I picked it up.

23 Q. Well, eventually or at that time?

24 A. I want to say it was, from what I  
25 remember, it was right around the same time I hung

1 it up as well.

2 Q. All right. And then so the  
3 reason -- the reason that you approached Mom and  
4 Aquasha to detain them, to put them in handcuffs,  
5 was why?

6 A. At that point, it was a very chaotic  
7 scene, and I was instructed to do so by another  
8 officer.

9 Q. Is he a superior officer?

10 A. He was a more -- I mean, superior, he  
11 wasn't like a boss, but he was a more experienced  
12 officer than me, yes, sir.

13 Q. Which officer was that?

14 A. Officer Reed.

15 Q. And that was when Terron was facedown  
16 on the ground after being taken to the ground from  
17 your vehicle; right?

18 A. Correct. After the -- after the  
19 hand-check incident, and --

20 Q. And he said put them in handcuffs?

21 A. Yes. I recall him saying, "Put her  
22 in handcuffs."

23 Q. Was that to arrest her?

24 A. At that point I don't know what he  
25 was -- he was instructing me to put them in

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1 handcuffs. It was a very chaotic situation. I  
2 also felt that it was justifiable she go in  
3 handcuffs as well --

4 Q. Okay.

5 A. -- until we figured out what was  
6 going on.

7 Q. But Aquasha didn't come out to the  
8 front.

9 So you're saying that Mom came out  
10 and you said that you hand-checked Mom; right?

11 A. Correct. From behind, when she came  
12 from behind.

13 Q. Right. She was there with Grooms,  
14 right next to -- fairly close to where you had  
15 Terron pinned down; right?

16 A. Yes, sir.

17 Q. But Aquasha never did that, Aquasha  
18 stayed back behind; right?

19 A. So --

20 MR. FITZGERALD: Object to form. You  
21 can answer.

22 THE WITNESS: So what I recall from  
23 when she, Ms. Shanta Brown, went in the handcuffs,  
24 she was more towards the sidewalk of the building.  
25 They were not quite -- when before she went in the

1 hand -- she was still not in handcuffs at that  
2 point.

3                   Officer Grooms was attempting, trying  
4 to get her back towards the sidewalk or the door.  
5 And my -- from my recollection, they were really  
6 close to that sidewalk. If not, they might have  
7 been on the sidewalk when I attempted to arrest  
8 her, or put her in handcuffs.

9 BY MR. VALOIS:

10               Q. But why? I mean, I'm trying to get  
11 to the why is she going in handcuffs?

12               A. Well --

13               Q. You're doing it because somebody told  
14 you to, but that obviously brings up the question  
15 if somebody told you throw her off a bridge would  
16 you throw her off a bridge?

17               A. Well, no. She had also came -- I had  
18 to hand-check her on the ground, because she had  
19 come up and pushed us from behind, or me from  
20 behind. I got hit from somewhere. I hand-checked  
21 her.

22               Q. I'm not talking about Shanta?

23               A. Okay. Aquasha, you're talking about  
24 Aquasha.

25               Q. Aquasha?



1 A. So Aquasha --

2 Q. We've talked about Shanta, and you  
3 said that you hand-checked, you've already  
4 hand-checked her?

5 A. Yeah. So then we all kind of meet  
6 back somehow towards the door of the building,  
7 where Aquasha's there. That's when I first realize  
8 Detective Miller's there, and then I see Detective  
9 Miller go feet overhead, pretty much, into bushes  
10 with Aquasha, and then he's struggling with  
11 Aquasha, trying to handcuff her. So I leave  
12 Shanta, go handcuff Aquasha --

13 Q. Right.

14 A. -- then go back to Shanta.

15 Q. I'm just trying to figure out why is  
16 Aquasha being handcuffed? All she's doing is  
17 videotaping the event.

18 A. Well, from -- I mean, they  
19 just -- they end up in the bushes, and Rob Miller's  
20 trying to put her in handcuffs. That's --

21 Q. You're helping him?

22 A. I do help him, yes, sir. Because I  
23 see him -- I literally -- I see him, I don't know  
24 how he flipped into the bushes. I don't know what  
25 happened with that, but I see his feet go up above

1 in the air, see him land in the bushes with her,  
2 and then he's telling her to put her hands -- I  
3 don't know verbatim, but he's trying to put her in  
4 handcuffs at that point.

5 Q. But what I'm saying is, okay, you're  
6 out there on the parking lot. Seth Reed says put  
7 them in handcuffs, right, meaning Shanta and  
8 Aquasha.

9 Now, Shanta, you've testified you  
10 hand-checked?

11 A. Correct.

12 Q. Okay. Aquasha is sitting 25 feet  
13 away, filming it on the phone?

14 A. Well --

15 MR. FITZGERALD: Object to form. You  
16 can answer.

17 THE WITNESS: When I put her in  
18 handcuffs, we were all in a big ball right by the  
19 doors --

20 BY MR. VALOIS:

21 Q. I know, but --

22 A. -- together.

23 Q. Follow along. Let me finish.

24 A. Yes, sir. I'm trying. I might be  
25 getting confused with it.

1 Q. Let me set this up. Tell me, tell me  
2 where I'm wrong in my narrative. Tell me what  
3 mistake I'm making when I'm finished. Okay.

4 You're out in the parking lot, you and Seth are out  
5 in the parking lot about 20 feet away, 25 feet away  
6 from the door to the entrance.

7 Is that fair?

8 A. Yes, yes, sir.

9 Q. Okay. You got Terron Pannell  
10 facedown in the pavement. Reed has a position with  
11 his knee on his rear back, butt area. Right.  
12 You're getting, you're securing him. Right.

13 Shanta, Mama, has come out with Grooms, had  
14 whatever contact happened there, we don't know.

15 But you do know you hand-checked her,  
16 Shanta?

17 A. Yes, yes, sir.

18 Q. All right. So at that point, Reed  
19 says put handcuffs on them, meaning Aquasha and  
20 Shanta?

21 A. Okay.

22 MR. FITZGERALD: Object to form. You  
23 can answer.

24 BY MR. VALOIS:

25 Q. Is that your understanding? Is that

1 so far what -- is that accurate?

2 A. So I'll say from my personal, from my  
3 view on that scene, I was attempting to handcuff  
4 Shanta. I was not dealing with Aquasha at that  
5 point.

6 Q. Okay.

7 A. At that point, I was attempting to  
8 handcuff Shanta --

9 Q. Okay.

10 A. -- when we all got back to the door.

11 Q. Okay.

12 A. I had no -- I was not going to put  
13 handcuffs on Aquasha. I didn't know -- like I  
14 said, she wasn't really --

15 Q. Okay.

16 A. I do agree with you on that. She was  
17 over there by the door. So I was attempting to  
18 handcuff Shanta. A struggle ensued there as well.  
19 Then out of my peripherals, I see a detective and a  
20 female, Aquasha --

21 Q. Right.

22 A. -- all of a sudden wrestling in the  
23 bushes pretty much --

24 Q. Wrestling in the bushes; right?

25 A. -- so then I go over, assist Rob

1 Miller, Detective Miller --

2 Q. To handcuff?

3 A. -- with handcuffing. Then I go back  
4 to Shanta.

5 Q. Okay. But you were not -- so is it  
6 fair to characterize your testimony this way: You  
7 did intend to handcuff Shanta, but not intend to  
8 handcuff Aquasha, and the only reason you  
9 participated in the handcuffing of Aquasha was  
10 because Rob Miller was engaged in an altercation  
11 with Aquasha and that you were there to assist him,  
12 and that's what you did?

13 A. I would, I would agree with that  
14 statement, yes, sir.

15 Q. Okay. All right. All right. And so  
16 had you had any communication with Robbin Miller  
17 prior to this?

18 A. Prior to the incident?

19 Q. Prior to where -- had you had any  
20 communication with Rob Miller regarding this  
21 incident prior to your assisting him in handcuffing  
22 Aquasha?

23 A. No, sir.

24 Q. No. Okay. And so everybody gets  
25 handcuffed. Right. And you don't know why Rob

1 Miller -- he'd have to testify as to why he's  
2 trying to handcuff --

3 A. Aquasha.

4 Q. -- Aquasha?

5 A. Yes, sir. I just seen them  
6 struggling off to my -- out of my peripherals while  
7 I was struggling with Shanta.

8 Q. Okay. All right. And so then -- all  
9 right.

10 Do you recall telling the supervisor  
11 at the scene that nobody assaulted you?

12 A. I don't recall personally. I can't  
13 remember saying that. But I do know there is, I  
14 believe there's body camera. I do say that on body  
15 camera, so I would have to say, yes, I said that,  
16 if that's on body camera.

17 Q. Okay. Why would you tell a  
18 supervisor that you weren't assaulted and then go  
19 to the magistrate's office and take out an assault  
20 warrant?

21 A. Because it was -- it was a chaotic  
22 scene. So at that point, I was still trying to  
23 figure out what had happened with Shanta, with  
24 Aquasha. We were trying to figure out what had  
25 happened, then after me and Officer Reed spoke, we

1 both agreed that I was, in fact, I was pushed or  
2 hit or struck. I can't tell. It's from  
3 the -- it's from the back I was pushed, hit or  
4 struck.

5 And then that, which entailed me  
6 having to hand-check Aquasha, or Shanta, away from  
7 me. And that's when, at that point, then I  
8 decided, we decided that that was an assault and  
9 that's what I would arrest for.

10 Q. And so it was after you talked with  
11 Reed, so it was after you talked with Reed?

12 A. After we figured out what -- I would  
13 say, yeah, we went through what had happened.

14 Q. When you say "went through," what was  
15 that process, went through?

16 A. I mean, just talked like what he saw,  
17 what I saw, what transpired. Because like I said,  
18 it was so chaotic, so fast. I mean, after then  
19 it's like a little small debrief. We kind of just  
20 were figuring out what had happened.

21 Q. But Reed never told you that he saw  
22 Shanta assault you though; right?

23 A. Yeah, but Shanta was the one I shoved  
24 off of me.

25 Q. Right. You put hands on her, but

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1 you've testified that you can't say she put hands  
2 on you; right? And did Reed, Reed never told you  
3 that he did -- that she did it, did he?

4 A. I don't recall if he ever told me she  
5 did it.

6 Q. So how do we get to the point where  
7 you're telling the magistrate she did?

8 A. So my back is turned. All of a  
9 sudden I feel a hit. I turn, and there is a female  
10 who is not a coworker, not a anything else related,  
11 not my wife or anybody relation to me, who ends up  
12 being Shanta Brown, directly within where I have to  
13 physically hand-check her back, so I --

14 Q. But there are two ladies there.  
15 They're standing right next to you.

16 Grooms is there right -- in fact,  
17 Grooms is arguably closer to you, if you've seen  
18 the video; right?

19 MR. FITZGERALD: Object to form. You  
20 may answer.

21 BY MR. VALOIS:

22 Q. Well, we can play the video.

23 A. Where I get -- yeah, where I get  
24 pushed from and where I turn to defend myself or  
25 hit or struck, where I turn to defend myself,



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1 Shanta Brown was directly there, and that's where I  
2 pushed back. It was not Officer Grooms who was in  
3 my -- I'm going to say in my bubble right there.  
4 Then I give a hand-check back, and that's what  
5 entails from there.

6 Q. All right. But the question I have  
7 is, all right, so you -- you knew all that. You  
8 knew the hand-check had occurred when you talked to  
9 your supervisor, and yet you're telling your  
10 supervisor you're not assaulted; right? And then  
11 you talk to Reed and you have a conversation. Reed  
12 never tells you that he saw -- did Reed ever tell  
13 you that he witnessed an assault?

14 A. I don't recall what he said to me  
15 verbatim.

16 Q. All right.

17 A. I don't recall. I know we just -- we  
18 just talked about what had happened, and that's  
19 when I was like, well, I was pushed or hit or  
20 struck. And that's when I charged for assault.

21 MR. VALOIS: I'll tell you what, why  
22 don't we take a little breather, and can you figure  
23 out how to get that thing going? We'll play some  
24 videos.

25 MS. VALOIS: In theory.

1 MR. VALOIS: Yeah. Why don't we call  
2 like a 10-minute break. Will that work?

3 MR. FITZGERALD: Is that all right  
4 with you?

5 THE WITNESS: Yeah, I'm good.

6 MR. VALOIS: All right. Off the  
7 record.

8 (Recess.)

9 MR. VALOIS: And we are back on the  
10 record.

11 BY MR. VALOIS:

12 Q. So, Deputy, a couple more questions.  
13 I'm looking at this list of things.

14 Do you recall Reed asking you, after  
15 the incident occurred, if your body cam was still  
16 rolling?

17 A. I don't. Off the top of my head I  
18 don't, sir, no, sir.

19 Q. Is that routine for officers to ask  
20 that before they talk?

21 A. Yeah. Just -- yeah. We, a lot of  
22 times if we're speaking together, mute our body  
23 cameras.

24 Q. Why would you do that?

25 A. Because conversations can go from us

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1 talking about what happened to then what your kids  
2 did yesterday to -- I mean, they can just go from  
3 anywhere really quick. So a lot of times we just  
4 mute our cameras while speaking to each other. But  
5 I do not recall if he asked me personally if it was  
6 muted or rolling.

7 Q. Now, the -- did you tell the  
8 supervisor that you didn't mean to take Terron  
9 down?

10 A. I don't recall saying that.

11 (Video playing.)

12 THE WITNESS: So that was onto Seth.  
13 So when I took him down, I believe, if I want to  
14 recall right, we went to the ground, and I crashed  
15 into Seth, into Seth's knees at that point. And so  
16 at that point, I'm telling Seth, Officer Reed, I  
17 did not mean to take him down in the ground into  
18 you like that.

19 BY MR. VALOIS:

20 Q. Okay. And now I got the long one.  
21 Tell you what I'm going to do. I'm going  
22 to -- this body cam, a lot of it's you talking to  
23 Terron stuff, but let's get to the part where --

24 (Video playing.)

25

1 BY MR. VALOIS:

2 Q. Yeah. I like that one. Let's get to  
3 the part where Shanta comes running out to the  
4 parking lot.

5 (Video playing.)

6 BY MR. VALOIS:

7 Q. All right. Man, that's Terron  
8 screaming his head off; right?

9 A. Yes, sir.

10 Q. Terron's got a set of pipes on him?

11 A. Yeah, he does.

12 Q. Although if I were 150 pounds, and I  
13 had 450 pounds of cop on me, I'd probably be  
14 screaming too.

15 A. Yeah.

16 (Video playing.)

17 THE WITNESS: I think I was talking  
18 to Shanta right there, if I'm correct.

19 BY MR. VALOIS:

20 Q. Yeah. This is just a really long  
21 video, and a lot of it is just --

22 MR. FITZGERALD: And while he's going  
23 through the video, I just want to note for the  
24 record that the defendant is not viewing the video.  
25 He's only listening to it.

1 MR. VALOIS: Right. I haven't  
2 presented the video for -- I'm going to, eventually  
3 my goal is to let the defendant control the video.  
4 I'm just trying to get it to the window of time  
5 that he can operate it so we don't waste a bunch of  
6 time. I'm not -- none of this is evidence so far.  
7 This is just me working the video for --

8 (Video playing.)

9 BY MR. VALOIS:

10 Q. You know how to do this, you know how  
11 to work VLC; right?

12 A. The --

13 Q. VLC?

14 A. Yeah, like the movie thing.

15 Q. Right, yeah. See if you can get it  
16 to the part where you're getting -- where  
17 you -- out there in the parking lot where you feel  
18 somebody hit you.

19 MS. VALOIS: If it's easier, I've got  
20 a regular mouse over here. I can't stand the touch  
21 pad.

22 THE WITNESS: All right. So where is  
23 this at? Whose body camera is this?

24 MR. VALOIS: I think it's yours.

25 THE WITNESS: This one mine?

1 MR. FITZGERALD: You want to use a  
2 mouse?

3 THE WITNESS: Yeah, that would  
4 probably be a little bit easier.

5 MS. VALOIS: It should just work.

6 THE WITNESS: All right. Which part  
7 do you want, sir?

8 MR. VALOIS: The part where he's on  
9 the ground and Shanta comes running out with  
10 Grooms.

11 (Video playing.)

12 THE WITNESS: This is like a little  
13 snippet. I don't know why I can't like go forward  
14 in this one. See, because this is after the fact.  
15 Yeah, this is definitely, because there's -- yeah,  
16 there's a lot of people there.

17 How do I -- do you know how to  
18 go -- like is that just a -- I don't know how to  
19 like bring this back. You see what I'm saying?

20 MR. FITZGERALD: Is it down here?

21 MR. VALOIS: Oh, that's going to  
22 be -- this is a screenshot. This is a video of a  
23 screenshot.

24 THE WITNESS: Okay. Then this  
25 is -- this is going to be after, I believe, Shanta

1 and Aquasha had gone in handcuffs.

2 MR. VALOIS: No. There's -- the  
3 whole, the whole thing starts when you -- when you  
4 start at the beginning, you'll see it's where you  
5 pull in.

6 THE WITNESS: I don't know how to  
7 control. You see, I can't like go back in the  
8 video now.

9 MR. VALOIS: Can you put it to the  
10 beginning of the video?

11 MS. VALOIS: I can try.

12 MR. FITZGERALD: Something's going  
13 on. It's frozen.

14 THE WITNESS: Yeah. So like it's  
15 kind of like --

16 MR. FITZGERALD: It's unable to go  
17 back.

18 THE WITNESS: It's like on the -- so  
19 at the bottom part, I can go forward and back, but  
20 just --

21 MS. VALOIS: Yeah. So this part is  
22 the screenshot.

23 THE WITNESS: Okay.

24 MS. VALOIS: This is your actual,  
25 this very bottom part is the actual control.

1 THE WITNESS: Okay. But I can't go  
2 back far enough for that because that's, that's  
3 ahead of.

4 MS. VALOIS: Where did it go? Did  
5 you do F11 on this or something?

6 MR. VALOIS: No.

7 MS. VALOIS: Oh, that's back at the  
8 beginning. All right.

9 THE WITNESS: I want to say from it's  
10 like 11 minutes or something.

11 MS. VALOIS: That's weird. The  
12 pointer is moving like a ghost. All right. All  
13 right. Hold on a second here.

14 (Video playing.)

15 THE WITNESS: So then how can I fast  
16 forward?

17 MS. VALOIS: I'm going to turn it  
18 down so we don't go deaf. Down here.

19 THE WITNESS: Okay.

20 MS. VALOIS: And this one. See?

21 THE WITNESS: Okay. All right.

22 (Video playing.)

23 THE WITNESS: All right. So which  
24 part did you want, where -- before, just before she  
25 came back?



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1 MR. VALOIS: I want to get to the  
2 part where you claim that you hand-checked her.  
3 Right around that, right around that area. I want  
4 to see this. I want to see the interaction there  
5 with the hand-check. Well, you know what?

6 (Video playing.)

7 MR. VALOIS: You know what?

8 THE WITNESS: So it's going to be  
9 right here.

10 MR. VALOIS: It's not going to be  
11 in --

12 THE WITNESS: It's hard. You can't  
13 see much from mine, I don't think.

14 MR. VALOIS: Grooms is in the back.  
15 Grooms lost her body cam. Her body cam fell off.  
16 There's another body cam on there that might have  
17 it.

18 MS. VALOIS: I've seen the clip. I  
19 know what you're looking for. That was before.

20 THE WITNESS: I'm at my part, if  
21 that's what you want to --

22 MR. VALOIS: No. It occurs to me I'm  
23 beating a dead horse with that video. Your video  
24 is not going to have a real good depiction of what  
25 happened. There is another one out there, but I

1 don't know that it justifies wasting another half  
2 hour of everybody's time to go look for it.

3 THE WITNESS: Okay.

4 MR. VALOIS: So anyhow --

5 THE WITNESS: Do you want me to -- do  
6 you want this back, sir?

7 MR. VALOIS: Give it to my lovely  
8 bride over there. She's lucky she's still got her  
9 looks because her charm needs a little work. I'm  
10 sorry. Yeah, but -- I'm trying to think if there's  
11 any other thing I need to worry about here.

12 BY MR. VALOIS:

13 Q. Is there anything you would have done  
14 different looking back in hindsight?

15 A. I don't think so, sir.

16 Q. Everything you did you believe  
17 comported with your training?

18 A. Yes, sir.

19 Q. And you weren't given any counseling,  
20 or any talking to, about this incident at all?

21 A. No, sir.

22 Q. And all your actions, you believe,  
23 comported with LPD official policies and  
24 directives?

25 A. Yes, sir.

1 MR. VALOIS: I tell you what, I don't  
2 have any other questions. You can -- you have any  
3 questions for him?

4 EXAMINATION

5 BY MR. FITZGERALD:

6 Q. Did you -- did you lie to make up  
7 charges on Shanta Brown?

8 A. No, sir.

9 Q. Did you -- did you slam Shanta Brown  
10 to the ground?

11 A. No, sir.

12 Q. Do you recall how Shanta Brown went  
13 from standing to down on the ground, the  
14 circumstances that surrounded that?

15 A. Next to the door, yeah. I told her  
16 to put her hands behind her back, and then she, I  
17 believe, she told me she wasn't going to, and then  
18 we end up on the ground. I don't remember if it  
19 was a push, or if it was just our momentum carrying  
20 us towards the door. We ended up falling down to  
21 the ground.

22 Q. So she resisted? Did she resist  
23 being detained?

24 A. I had to forcefully put her hands  
25 behind her back, yes sir.

1 MR. FITZGERALD: I don't have any  
2 further questions.

3 E X A M I N A T I O N

4 BY MR. VALOIS:

5 Q. When you say "detained," were you  
6 arresting her?

7 A. Like at that -- at that time, she was  
8 being detained at that point. At that point, I  
9 don't think -- there was so much going on. There  
10 was -- she was being detained. She was a major  
11 part of the issues we were having on scene.

12 Q. What was the basis for detention?

13 A. The screaming, the coming up and  
14 pushing us, the just -- she completely interfering  
15 with what we were trying to do.

16 Q. The coming up and pushing you?

17 A. From behind. Being in my bubble,  
18 from behind me. That's what I'll say.

19 Q. All right. But you weren't arresting  
20 her?

21 A. She was being detained at that point.  
22 Yeah, she wasn't being --

23 Q. So you didn't have any -- at that  
24 instant, you did not have probable cause to arrest?

25 A. She was being detained at that point.

1 I don't --

2 Q. That's not the question?

3 A. Yeah, I mean, yeah, I could have  
4 arrested her for obstruction. I could have said,  
5 hey, you're under arrest for obstruction. Hey,  
6 you're under -- I mean, that's the one I would have  
7 gone with at that time until we figured out what  
8 was -- everything that was going on. But, yes, I  
9 think I had enough probable cause to arrest her for  
10 obstruction of justice, yes, sir.

11 Q. All right. Well, unfortunately, that  
12 opens the door to a little bit more. Okay. I was  
13 trying to get out of here, but it doesn't look like  
14 it's going to happen.

15 A. That's okay, sir.

16 Q. Yeah. Obstruction of justice, what  
17 are the elements of that offense, as you understand  
18 them to be?

19 A. So how -- interfering with my  
20 investigation. There was an interference with what  
21 we were trying to do.

22 Q. All right.

23 A. That's what I'm going to  
24 go -- that'll be my answer for that question.

25 Q. So, and what was the -- what was the

1 specific interference?

2 A. Coming up behind us push, striking,  
3 or hitting me on the shoulder, me having to  
4 hand-check her back. Her screaming, her refusing  
5 to go to where she was told to go. We could not  
6 focus on the task at hand. We were -- our focus  
7 was completely shifted to her now.

8 Q. You said you couldn't focus on the  
9 task at hand?

10 A. Yes, sir.

11 Q. But the task at hand was what?

12 A. Putting, trying to place Terron  
13 Pannell into the back of my vehicle, yes, sir. We  
14 could not even accomplish that at that time.

15 Q. That had been -- well, at the time he  
16 was facedown on the ground?

17 A. Yes. This is a very -- it was a very  
18 quick, this is less than two minutes all this  
19 happened.

20 Q. Right. But within that two minutes,  
21 he's in the back of the car?

22 A. No, sir. When this happened, he was  
23 still on the ground. When I was instructed  
24 to he was still actively screaming, pulling, trying  
25 to kick away from Officer Reed. That's why I go

1 back to try to help Officer Reed.

2 Then Officer Reed instructs me to now  
3 go handcuff Shanta Bryant, to put her in handcuffs  
4 at that point, because she was also now becoming a  
5 big problem on scene as well.

6 Q. Well, to be clear, he instructs you  
7 to put handcuffs on both of them?

8 A. If that's what he said, that's what  
9 he said. I don't recall. I just remember him  
10 saying go put handcuffs -- how I remember it was,  
11 "Go put handcuffs on her." That's how I remember  
12 him saying it.

13 Q. All right. And the handcuffs -- but  
14 is it your understanding that obstruction of  
15 justice occurs when someone is standing close to a  
16 police officer without touching them?

17 A. I was hit, struck, or something,  
18 towards the back. And then also --

19 Q. But you don't know who did it?

20 A. I also had, I had to physically push  
21 her back from me. Also she --

22 Q. But you don't know if she was  
23 touching you?

24 A. She continually kept trying to come  
25 up to us and push past Officer Grooms as well.

1 Officer Grooms was doing everything she could to  
2 try to get her back towards the door. That, I feel  
3 that's probable cause for obstruction.

4 Q. Okay. How did it obstruct you from  
5 putting handcuffs on Terron, from doing what you  
6 had to do with Terron?

7 A. Because she's -- I'm not -- I'm just  
8 going to be honest, she has -- you talking  
9 400 -- she has about 300 pounds on Officer Grooms.  
10 So, you know, Grooms is trying to do everything she  
11 can. From my point of view, it looked like she  
12 could not get Shanta Brown back.

13 And then I go, Terron is still  
14 kicking, screaming, hollering with Officer Reed. I  
15 go to help Officer Reed. Officer Reed said he's  
16 fine staying where he's at, to go help Officer  
17 Grooms and to go put, I remember hearing him say,  
18 her in handcuffs. He may have said, "Put them in  
19 handcuffs."

20 Q. But you got the kid in the car?  
21 Terron got in, he was placed in the car?

22 A. Afterwards, yes, sir, after.

23 Q. She didn't prevent you from doing  
24 that?

25 A. Yes, she did. We could not -- he was



1 not --

2 Q. How did she prevent it?

3 A. He was not in the car when she went  
4 into handcuffs, because he was still fighting and  
5 kicking and hollering. They were still on the  
6 ground together. But Officer Reed had enough  
7 control of him to be able to just keep him on the  
8 ground, and then instructed me to go place Shanta  
9 Brown in handcuffs. That's what happened. He was  
10 not in the back of the --

11 Q. But when that occurred, Shanta Brown  
12 was not next to you?

13 A. When I was instructed --

14 Q. When you were instructed to put  
15 handcuffs on this, on Shanta Brown, Shanta Brown  
16 was backed over by the door?

17 A. I had just been instructing them to  
18 get back. I turn, go to Officer Reed to help  
19 Terron. She's still pushing, screaming. Officer  
20 Reed then instructs me to go put handcuffs on her.  
21 So I snap back, and I go put handcuffs on her to  
22 detain her.

23 Q. But when you put handcuffs on her,  
24 when Reed says put handcuffs on them, where are  
25 they standing?

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1           A.    At pretty much -- I mean, like I  
2 recall, like where we said, right there around the  
3 car, whether it was up on the sidewalk, up on the  
4 pavement, it was --

5           Q.    But not where you are, she's not  
6 standing next to you at that point, she's moved;  
7 right? I mean, from you hand -- from the time you  
8 hand-check her until the time you get the  
9 instruction to put handcuffs on her, she's standing  
10 back where she's been told to stand?

11          A.    There's -- yeah, I mean, it's within  
12 15 feet, I would say --

13          Q.    Yeah.

14          A.    -- probably 15, 20 feet.

15          Q.    But she's standing exactly where you  
16 told her to stand and exactly where Grooms told her  
17 to stand?

18          A.    I don't know where Officer Grooms  
19 told her to stand at.

20          Q.    Where you told her to stand?

21          A.    So I was trying to get everybody  
22 back. I was trying to get everybody back. I  
23 turned to go help Seth Reed. This is what I recall  
24 from this exact moment.

25          Q.    Right.

1           A.    I returned back to help Officer Reed.  
2   As I take one to two steps towards Officer Reed, he  
3   says, I recall, "Put her in handcuffs."

4           Q.    Right.

5           A.    He might have said them, so that's  
6   when I turn around --

7           Q.    I know that's when you happen --

8           A.    So --

9           Q.    -- my point is, correct me if I'm  
10   wrong, at that time, when Reed says put them in  
11   handcuffs, okay, and they are standing in the area  
12   where you told them to go stand in the first  
13   place?

14          A.    At the very beginning of the call --

15          Q.    Yeah.

16          A.    -- yes, sir. But things had changed  
17   drastically since the very first time --

18          Q.    Well, they're standing --

19          A.    -- on the call.

20          Q.    Grooms took them back there; right?  
21   You see in the video Grooms directs them to go  
22   there, and they're standing where Grooms said to  
23   go?

24          A.    Yeah. I -- it seemed -- I don't  
25   know. I don't understand.

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1 Q. Okay.

2 A. I'm trying to -- I'm trying to --

3 Q. Okay. Okay. The point is you said  
4 the purpose is to get the kid into the car?

5 A. Yes. That's what we were --

6 Q. So he could be detained?

7 A. -- trying to do, yes, sir.

8 Q. He's not even under arrest at this  
9 point?

10 A. Yes, sir.

11 Q. We don't know, I guess; right? He's  
12 being detained for some reason?

13 A. Yes, sir.

14 Q. Suspicion of having a past marijuana  
15 record or something. Okay.

16 For some reason he's going in the  
17 back of a police car?

18 A. Yes, sir.

19 Q. At your use of discretion. You've  
20 made all these decisions. You've made the decision  
21 to bring the drug dog in. You made the decision to  
22 put them in the back of a police car. You made the  
23 decision to handcuff him. Reed made the decision  
24 to pull him out of the vehicle.

25 These are all discretionary acts;

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1 right?

2 MR. FITZGERALD: Objection to form.

3 You may answer.

4 THE WITNESS: Okay.

5 BY MR. VALOIS:

6 Q. All those are discretionary acts --

7 A. Yes, sir.

8 Q. -- that the officers at the scene are  
9 exercising on this kid?

10 A. Did you -- can you go back and -- did  
11 you say that it was also discretionary to pull him  
12 out of the vehicle as well?

13 Q. Yes.

14 A. So my understanding, he was asked to  
15 exit the vehicle and did not. So at that point,  
16 that's not a discretionary --

17 Q. Right. But you don't have to ask him  
18 to get out of the vehicle?

19 A. Okay.

20 Q. Right?

21 A. Okay. You're right. Yes, sir.

22 Q. That's itself an act of discretion.

23 And millions -- people get pulled over left and  
24 right without being asked to leave vehicles. I got  
25 pulled over by Bauserman. I'm like, I thought I

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1 was the only person in town not to get pulled over  
2 by Bauserman until he got me. Okay. And I got  
3 pulled over by Bauserman, and he didn't ask me to  
4 get out of the vehicle.

5 A. I understand. I just wanted to make  
6 sure I was answering your question correctly.

7 Q. But these are all discretionary acts;  
8 right?

9 A. Yes, sir.

10 Q. And so -- but you're accomplishing  
11 them. You get him out of the vehicle, you get him  
12 in handcuffs, you get him searched, you throw -- he  
13 ends up in the back of a police car. All this  
14 happens. It wasn't prevented. All that happened?

15 A. So it was -- at the time, he was not  
16 even searched at the time when we were on the  
17 ground and she went into handcuffs, because  
18 we -- so he went from the car, as we were  
19 attempting to search him, we had to place him on  
20 the ground. Then the incident with Shanta Brown  
21 happened. Then we're trying to get them back.

22 At that point, he wasn't even  
23 searched yet. So then we -- I'm instructed -- I'm  
24 helping Tereika, trying to get Shanta Brown back.  
25 I go back to try to help Officer Reed and get, just

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1 finish this thing up. I'm instructed to go put  
2 them in the handcuffs, and so that's what I do. I  
3 go detain, attempt to detain her.

4 Q. Right. But he ends up in the back of  
5 the car. The purpose, you've said, you said --

6 A. Yes.

7 Q. -- the purpose is to get this kid in  
8 the back of the car?

9 A. Yes, sir.

10 Q. That happened?

11 A. Yes, sir. After --

12 Q. It was not prevented?

13 A. It -- after, after everybody was  
14 handcuffed and the situation was contained.

15 Q. Yeah. It maybe was delayed?

16 A. It was -- it happened.

17 Q. She didn't help you get this -- she  
18 was -- she hindered you maybe; right? I mean, she  
19 made it more difficult?

20 A. I could not help another officer  
21 struggling with him kicking, screaming, not letting  
22 him be searched. I was unable to help that  
23 officer, or him help me, due to me having to now  
24 focus attention on Shanta Brown.

25 Q. But she's standing by the door. You

**EXHIBIT 1**

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1 went to her. It's not like -- it's not like he  
2 said put handcuffs on her, she's grabbing Terron's  
3 neck. She's not even anywhere around Terron at  
4 that time. You had to leave him with her.

5 You had to leave him with Terron in  
6 order to leave him there to walk towards these two  
7 to do that, and they're where Grooms put her;  
8 right?

9 A. Yeah. So I had to -- how I remember,  
10 I had to -- I was still with Officer Reed. I had  
11 to go help Officer Grooms with Shanta Brown because  
12 she was, in my opinion, she was moving Tereika back  
13 towards our direction, in my opinion.

14 We -- I push, we're getting them  
15 back. I don't remember word for word what I said  
16 on body camera but I know I'm yelling commands to  
17 them. I turn back, take two steps, and then that's  
18 when Officer Reed says go ahead and put her in  
19 handcuffs too. And then I turn back to put her in  
20 handcuffs.

21 Q. Right.

22 A. I'm trying to answer --

23 Q. Right. But at this time Reed's got  
24 Terron on the ground?

25 A. Correct.



**EXHIBIT 1**

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1 Q. He picked -- how does Terron get into  
2 the back of the car?

3 A. After -- I don't -- I don't remember  
4 if it was me personally. I'd have to go back and  
5 watch. It was after the fact. We had to, or  
6 everybody had to go, or Shanta Brown, at least, had  
7 to go in handcuffs before we were able to get him  
8 off the ground and even search him to put him in  
9 the back of a car.

10 Q. Why? Why did Shanta Brown have to go  
11 in handcuffs if she's not standing right next to  
12 him?

13 A. So she -- somebody struck, hit, or  
14 pushed me from behind. I hand-checked them back.  
15 Now, from my point of view, she's now walking  
16 another officer back towards us, pointing,  
17 screaming, yelling, hollering.

18 I go down to try to tell her to -- I  
19 don't know exactly what I tell her verbatim on body  
20 camera. I'll agree with whatever body camera says  
21 I said I said. And then, as I take two steps back  
22 to try to help Officer Reed with this, that's when  
23 I'm instructed to put Shanta Brown in handcuffs.  
24 So then I go do that. So I'm trying to, I'm trying  
25 to answer the best I can for you.

**EXHIBIT 1**

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1 Q. Okay. Well, we're circling all the  
2 way around.

3 My point here is that the kid ends up  
4 in the car?

5 A. After the fact, yes sir.

6 Q. Well, within a few minutes, within  
7 like a -- less than like a minute?

8 A. When they got handcuffed, I was --

9 Q. Right.

10 A. -- we were able to get him in a car.

11 Q. Everybody's handcuffed; right? And  
12 they're all in the car; right? So it did happen?

13 A. Yes, sir.

14 Q. Right. I mean, he did -- now, was  
15 Shanta handcuffed before Terron went in the car?

16 A. Yeah, I would probably say yes, sir.

17 Q. Probably?

18 A. Yeah. Because Officer Reed was still  
19 with him. At that point I was dealing with Shanta  
20 Brown.

21 Q. I mean, he was handcuffed on the  
22 ground. He was handcuffed when he went down on the  
23 ground?

24 A. Yes, sir.

25 Q. Why didn't you just pick him up and

**EXHIBIT 1**

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1 put him in the car?

2 A. Because he was actively -- I mean,  
3 pulling from us, tugging from us. And then we were  
4 also trying to deal with Shanta at that point too.

5 Q. Well, you were dealing with Shanta in  
6 a different area?

7 A. Yes, sir.

8 Q. Reed's over here. Why doesn't Reed  
9 just pick him up? There's other cops there.  
10 Why --

11 A. I can't ask -- I can't talk for what  
12 Officer Reed --

13 Q. Well, where I'm going with this is --

14 A. I know we -- two of us had him  
15 against the car, and he was able to, trying to pull  
16 away from us. And it was, I mean, you say 150  
17 pounds, you know.

18 Q. Okay. He's 5-foot-6, 150 pounds  
19 soaking wet on a lucky day?

20 A. You'd be -- imagine what somebody  
21 that doesn't want to be searched can do. So I'll  
22 just leave it at that. I mean, just size, size  
23 don't matter on a lot of things.

24 Q. Well, let me ask you this.

25 Have you been trained to deal with

**EXHIBIT 1**

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1 subjects?

2 A. Yeah, I have been.

3 Q. Have you received combat training?

4 A. Not combat training, no, sir.

5 Q. Hand-to-hand training?

6 A. Yes, sir.

7 Q. Okay. You've been trained how to  
8 fight; right? You learn that; right?

9 A. Yes, sir.

10 Q. You get specialized training,  
11 essentially martial arts training. You learn how  
12 to do the leg sweeps and all the things that you do  
13 to deal with kids like --

14 A. Yes, sir.

15 Q. So I mean, he never hit you, Terron  
16 never hit you?

17 A. He was attempting to kick us, and  
18 then kick up the car when this -- when he  
19 eventually got placed onto the ground.

20 Q. All right. But I want to -- you  
21 said prevented you from putting him in the car. My  
22 point is he got in -- it didn't prevent.

23 You understand prevent means make it  
24 not happen?

25 A. Yeah.

**EXHIBIT 1**

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1 Q. Like, you know --

2 A. Yes, sir. I know what prevent means,  
3 yes, sir.

4 Q. It did happen?

5 A. It did happen eventually, after  
6 everybody went into handcuffs.

7 Q. It just made it harder for you to do  
8 it; right?

9 A. So I could not -- it would have  
10 taken -- in my opinion, it would have taken two of  
11 us to deal with Terron Pannell at that point,  
12 probably even three or four to search him, to  
13 thoroughly search him, to put him in the back of a  
14 vehicle. At that point that could not happen  
15 because I had to take my attention away from him to  
16 Shanta Brown because of her actions.

17 Q. But you stayed there with Shanta  
18 Brown, dealing with her, so did Rob Miller, dealing  
19 with Aquasha.

20 You stayed with her the whole time  
21 dealing with her after you arrested her?

22 A. I attempted to go back to --

23 Q. Right.

24 A. -- and I don't know what -- my back  
25 was turned. Again, I don't know what Officer Reed

**EXHIBIT 1**

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1 seen, because when I initially saw Tereika with  
2 Shanta --

3 Q. Right.

4 A. -- it looked as if Shanta was walking  
5 Tereika back to us --

6 Q. I understand.

7 A. -- because Tereika is a small female.

8 Q. Right. You've testified that you  
9 perceived there was a threat that Shanta was going  
10 to come back to the scene?

11 A. Yeah. So then I go -- I go -- I yell  
12 what I yell or say what I say. Then I turn around.  
13 I don't know, I can't speak for what happened. I  
14 mean, for all I know, Shanta could have started  
15 doing it again, I'm unsure of. All of a sudden,  
16 Officer Reed says, within two to three, I would say  
17 one to three steps, it wasn't -- I didn't get far  
18 away from her, tells me to place handcuffs on her.

19 Q. Right.

20 A. And then so I do that, sir.

21 Q. Right. And you stay there, you stay  
22 with Shanta dealing with her?

23 A. Yes. And then --

24 Q. Right. And with Aquasha --

25 A. -- helped with Aquasha, yes, sir.

**EXHIBIT 1**

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1 Q. So you're out of the scene anyway?

2 A. At that point, yes.

3 Q. So they didn't even need you to put  
4 Terron in the car; somebody else did that?

5 A. So I, at that point, I mean, now  
6 Shanta is -- I mean, everybody's resisting. So  
7 I'm -- we're having to -- it's three of us against  
8 three people as well, so, or four, I don't know.  
9 Rob Miller was there, but nobody wants to put their  
10 hands behind their back and listen to me. So  
11 that's what --

12 Q. Right.

13 A. I don't know what happened with  
14 Terron. I don't know if he was in the car.

15 Q. Right. Because somebody else took  
16 care of him. He ended up in the car because he got  
17 to the magistrate.

18 He didn't walk; right?

19 A. Yes, sir. I know he ended up in a  
20 car after.

21 Q. So he got there; right?

22 A. After we had to --

23 Q. All right. So he's -- he's in  
24 the -- he's in the -- so it happened; right?

25 A. It did, yes, sir.

**EXHIBIT 1**

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1 Q. And I want to make sure, because you  
2 said that it prevented him from getting in the car.  
3 I want to make sure you understand it didn't  
4 prevent him from getting in.

5 He did end up getting into a police  
6 car and going to the magistrate's office?

7 A. After I had to handcuff and detain  
8 Shanta Brown.

9 Q. Well, after you did handcuff and  
10 detain him?

11 A. Yes, sir.

12 Q. But it didn't prevent that from  
13 happening is what I'm saying?

14 A. Yes, sir. I mean -- okay.

15 Q. It did happen?

16 A. In my opinion, it -- she did prevent.  
17 I mean, because I had -- I could not pay attention  
18 to Terron with Officer Reed. I had to -- all my  
19 attention had to be divided to her because she was  
20 walking an officer to me in my -- in my -- that's  
21 what I saw. I go to deal with her and tell her to  
22 get back.

23 So now my attention, I have no focus  
24 on Terron because of me having to tell her to get  
25 back or do whatever I want her to do. And then I



**EXHIBIT 1**

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1 take two steps back. I don't know what Officer  
2 Reed saw. Maybe -- I know she was still screaming  
3 and hollering, but I can't testify to what happened  
4 to -- then all of a sudden I was told, hey, she  
5 needs to go in handcuffs. And that's what I did.

6 Q. Right. You put her in handcuffs?

7 A. Yes, sir.

8 Q. But then you stayed with her?

9 A. Me --

10 Q. You?

11 A. -- yes, sir.

12 Q. Right. Somebody else dealt with  
13 Terron.

14 You could have, after you had her in  
15 handcuffs, had Grooms watch her at that point;  
16 right?

17 A. But at that time, there was -- there  
18 was only a couple of us there. There was only a  
19 few of us there. So I could not -- I'm just  
20 confused about what you're asking, I think. I know  
21 Terron was eventually -- I will agree with you,  
22 yes, he was eventually placed in a car.

23 But it was after we had detained  
24 everybody else too and got them to be able to go to  
25 cars. In my opinion, that's what -- I could not

**EXHIBIT 1**

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1 help with Terron. I could not do anything with  
2 Terron because of Shanta Brown's actions towards us  
3 and towards the situation.

4 Q. Right. But you didn't have -- but he  
5 got in the car no matter what you did?

6 A. I'm sorry, I didn't hear you, sir.

7 Q. He got in the car without your help.  
8 Somebody else put him in the car?

9 A. Okay. But at the time that we were  
10 trying to do our job, I was unable to do that based  
11 off of we were -- I was prevented of doing that  
12 because of Shanta Brown's actions towards us.

13 Q. But the job got done?

14 A. Yes. I'll agree with you. At some  
15 point it got done.

16 Q. The job got done; right?

17 A. Yes, sir.

18 MR. VALOIS: Okay. That's all.  
19 That's where I was trying to get with that. So  
20 with that, I don't have any further questions.

21 MR. FITZGERALD: Neither do I.  
22  
23  
24  
25

**EXHIBIT 1**

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MR. VALOIS: Thank God. Off the record.

(Deposition concluded at 11:51 a.m.)

(Reading and signature waived.)

\*\*\*\*\*

1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2 I, KIMBERLY A. HENDERSON, a  
3 Registered Professional Reporter and Electronic  
4 Notary Public in and for the Commonwealth of  
5 Virginia at Large, Notary Registration Number  
6 359658, whose commission expires November 30, 2025,  
7 do certify that the aforementioned appeared before  
8 me, was sworn by me, and was thereupon examined by  
9 counsel; and that the foregoing is a true, correct,  
10 and full transcript of the testimony adduced to the  
11 best of my ability.

12 I further certify that I am neither  
13 related to nor associated with any counsel or party  
14 to this proceeding, nor otherwise interested in the  
15 event thereof.

16 Given under my hand and Notarial seal  
17 at Forest, Virginia, this 19th day of November,  
18 2024.

19  
20  
21 

22 Kimberly A. Henderson, Notary Public  
23 Commonwealth of Virginia at Large  
24  
25

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